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TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54439]

PART 3—DOCUMENTATION OF VESSELS

RECORDING OF BILLS OF SALE AND MORTGAGES

In order to permit the indexing of all orders of courts of record having the effect of transferring any interest in a vessel or discharging a mortgage or lien, § 3.33 *Sale or transfer of vessel; change in membership of owning partnership*, is amended as follows:

1. Paragraph (e) is amended to read as follows:

(e) The collector shall index on customs Form 1332, continued if necessary on customs Form 1332-A, all decrees of distribution of estates of deceased owners, all orders of referees or courts appointing trustees in bankruptcy, and all orders of courts of record having the effect of transferring any interest in a vessel or discharging a mortgage or lien to show (1) the name of the vessel, (2) the name of the former owner, (3) the name of the new owner, (4) the interest transferred or lien discharged, (5) the name of the court, (6) the title of the case, and (7) the date of the order.

2. Paragraph (k) is amended to read as follows:

(k) Any abstract of title of a vessel furnished by the collector of customs at the home port of the vessel shall be on customs Form 1332, continued if necessary on customs Form 1332-A, and shall include any entry respecting each instrument required to be indexed under the regulations contained in this part, including a notice of claim of lien (§ 3.33 (h)).

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 16, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7727; Filed, Sept. 19, 1957;
8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF S-(p-CHLOROPHENYLTHIO)-METHYL O,O-DIETHYL PHOSPHORODITHIOATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of S-(p-chlorophenylthio)-methyl O,O-diethyl phosphorodithioate in or on apples, crabapples, pears, and quinces.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 4017, 6589) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (5) is amended by inserting in the list of organic phosphates, as the first item, the name "S-(p-chlorophenylthio)-methyl O,O-diethyl phosphorodithioate."

2. Part 120 is further amended by adding thereto the following new § 120.156:

§ 120.156 *Tolerances for residues of S-(p-chlorophenylthio)-methyl O,O-diethyl phosphorodithioate*. A tolerance of 0.8 part per million is established for residues of S-(p-chlorophenylthio)-

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methyl O,O-diethyl phosphorodithioate in or on each of the following raw agricultural commodities: Apples, crabapples, pears, quinces.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 16, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7724; Filed, Sept. 19, 1957; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 47—FORWARDING MAIL

PART 122—REGISTRATION

PART 152—INDEMNITY CLAIMS AND PAYMENTS

MISCELLANEOUS AMENDMENTS

NOTE: The corresponding section in the Postal Manual is section 232.42. (R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

3. In § 152.2 *Indemnity payments*, make the following changes:

a. In paragraph (c) add subparagraph (5) to read as follows:

(5) *Portugal (including Madeira and the Azores).* You may be paid up to \$50 for loss (contents and wrapper) based on actual value.

NOTE: The corresponding section in the Postal Manual is section 262.235.

b. In paragraph (d), rescind subparagraphs (5) and (16).

NOTE: The corresponding section in the Postal Manual is section 262.24e and p.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL]

ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-7712; Filed, Sept. 19, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, MEDICAL SERVICE, ARMY NURSE, AND ARMY MEDICAL SPECIALIST CORPS, REGULAR ARMY

1. In § 573.3, amend paragraphs (e) (1) and (f) (1) to read as follows:

§ 573.3 *Age and special eligibility requirements.* * * *

(e) *Army Nurse Corps.* Applicant must:

(1) Have reached the 21st birthday on date of nomination by the President. Appointment will be made in grade of:

(i) Second lieutenant, for women who have performed less than 3 years of service creditable for promotion and who on the date of nomination have not passed their 27th birthday.

(ii) First lieutenant, for women who have performed less than 7 years of service creditable for promotion and who on the date of nomination have not passed their 30th birthday.

(iii) Captain, for women who have performed at least 7 years of service creditable for promotion and who on the date of nomination have not passed their 39th birthday.

The maximum ages for appointment in the grade of 1st and 2d lieutenant may be increased by the period of active commissioned service performed in the armed forces after December 7, 1941 but not by more than 5 years.

(f) *Army Medical Specialist Corps.* Applicant must:

(1) Have reached the 21st birthday on date of nomination by the President. Appointment will be made in grade of:

(i) Second lieutenant, for women who have performed less than 3 years of service creditable for promotion and who on the date of nomination have not passed their 27th birthday.

(ii) First lieutenant, for women who have performed less than 7 years of service creditable for promotion and who on the date of nomination have not passed their 30th birthday.

(iii) Captain, for women who have performed at least 7 years of service creditable for promotion and who on the date of nomination have not passed their 39th birthday.

The maximum ages for appointment in the grades of 1st and 2d lieutenant may be increased by the period of active commissioned service performed in the armed forces after December 7, 1941 but not more than 5 years.

2. Amend paragraph (c) of § 573.4 to read as follows:

§ 573.4 *Service credit.* * * *

(c) *Persons appointed under Title 10, United States Code, section 3291, as amended by Public Law 85-155, August 21, 1957.* Individuals appointed under this act in the grade of captain or below shall be credited at the time of appointment with all active commissioned service in the armed forces that they performed after becoming 21 years of age and before appointment; however, not more than 14 years of service will be credited. A person appointed as a commissioned officer under paragraphs (e) (1) (ii) and (f) (1) (ii) of § 573.3 who has not performed at least 3 years of active commissioned service in the armed forces after December 7, 1941 will be credited with that amount of service.

[C 4, AR 601-124, Aug. 29, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL]

HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-7705; Filed, Sept. 19, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 35]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFE, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

NOTE: The corresponding section in the Postal Manual is section 157.2b.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210, 5 U. S. C. 22, 369, 39 U. S. C. 278a)

2. In § 122.4 *Fees*, delete "Liberia" from the table of countries in paragraph (b).

RULES AND REGULATIONS

The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lake Charles VOR	LCH RBN	Direct	1300	T-dn	300-1	300-1	200-1/2
Radar vectoring position	LCH RBN (Final)	352-5.0	800	C-dn	500-1	500-1	500-1/2
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude 1500' within 25 mi. Radar may be used to position aircraft for final approach within 5 miles of LCH RBN with the elimination of a procedure turn.

Procedure turn S crs, 172 Outbnd, 352 Inbnd, 1300' within 10 mi. Beyond 10 mi. NA.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 003-1.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, climb to 1500' on crs of 340° within 20 mi.

City, Lake Charles; State, La.; Airport Name, Lake Charles AFB; Elev, 19'; Fac Class, MH; Ident, LCH; Procedure No. 2, Amdt 1; Eff Date, 12 Oct 57; Sup Amdt No. LFR Spec Proc No. 2; Dated, 28 Sept 57

The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LCH RBN	LCH VOR	Direct	1300	T-dn	300-1	300-1	200-1/2
Radar vectoring position	LCH VOR (Final)	326-5.0	700	C-dn	500-1	500-1	500-1/2
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area transition altitude 1500' within 25 miles. Radar may be used to position aircraft for a final approach, within 5 miles of LCH VOR, with the elimination of a procedure turn.

Procedure turn E side crs, 146 Outbnd, 326 Inbnd, 1300' within 10 miles. Beyond 10 miles NA.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 326-5.0.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, climb to 1500' on R-326 within 20 miles, or when directed by ATC, turn right, climb to 1500' on R-015 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Lake Charles AFB; Elev, 19'; Fac Class, BVOR; Ident, LCH; Procedure No. 1, Amdt 2; Eff Date, 12 Oct 57; Sup Amdt No. Spec Proc, Amdt 1; Dated, 28 Sept 57

The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 25 mi	2500	S-dn-4	200-1/2	200-1/2	200-1/2
E of NE-SW crs of LGA-LFR	Radar site	15 mi	1500	C-dn-all	400-1	500-1	500-1/2
				A-dn-4	600-2	600-2	600-2
				A-dn-all	800-2	800-2	800-2
				T-dn	300-1	300-1	200-1/2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on heading of 043 make a climbing right turn to 1500' on 130° intersecting SW crs Mitchel LFR and proceed to the Long Beach Int. Contact Idlewild approach control for further instructions.

CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 mi SSE of Runway 4R and 185' airport control tower.

Major change—Deletes surveillance approach.

City, New York; State, N. Y.; Airport Name, International; Elev, 12'; Fac Class, Idlewild; Ident, Radar; Procedure No. 1, Amdt 8; Eff Date, 12 Oct 57; Sup Amdt No. 7; Dated, 23 Feb 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7409; Filed, Sept. 19, 1957;
8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MEASUREMENT OF FULL- OR PART-TIME COURSES

In § 21.2066, paragraph (d) (1) is amended to read as follows:

§ 21.2066 *Measurement of full- or part-time courses.* . . .

(d) *Institutional undergraduate course recognized for credit toward a standard college degree.* (1) A veteran pursuing an undergraduate course in a collegiate institution will be considered to be pursuing a course on a credit-hour basis measured at full time or part time, as provided in subparagraph (2) of this paragraph, provided all the conditions under subdivision (i), (ii), or (iii) of this subparagraph are met:

(i) The course is offered by a college or university which is a member of a nationally-recognized accrediting association, and

(a) The course is offered on a semester- or quarter-hour basis, and

(b) The course leads to an associate, baccalaureate, or higher degree, and

(c) The college or university which offers the course grants such a degree.

(ii) The course is offered by a college or university which is not a member of a nationally recognized accrediting association, and

(a) The course is offered on a semester- or quarter-hour basis, and

(b) The course leads to an associate, baccalaureate, or higher degree, and

(c) The college or university which offers the course grants such a degree, and

(d) The college or university furnishes letters from at least three institutions which are members of a nationally recognized association which certify that not less than 40 percent of the semester- or quarter-units of credit for the particular course or curriculum are acceptable at full value and without examination for fulfillment of the requirements for a baccalaureate or higher degree at each of the three member institutions.

(iii) The course is offered by either a member or non-member of a nationally recognized accrediting association, and

(a) The course is offered on a semester- or quarter-hour basis, and

(b) The course leads to a certificate or diploma, and

(c) The course requires not less than high school graduation or equivalent for admission, and

(d) A minimum of two full-time academic years is required for completion of the course, and

(e) If the institution which offers the course is a member of a nationally recognized accrediting association and not less than 40 percent of the credit hours for the particular course or curriculum are acceptable at full value in fulfillment of the requirements for a baccalaureate or higher degree by the element of the institution which awards such a degree, or

(f) If the institution which offers the course is not a member of a nationally recognized accrediting association, but furnishes letters from at least three member institutions which certify that not less than 40 percent of the credit hours for the particular course or curriculum are acceptable by them at full value and without examination for fulfillment of the requirements for a baccalaureate or higher degree granted by the three member institutions.

(Sec. 261, 66 Stat. 678; 38 U. S. C. 971)

This regulation is effective September 20, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-7722; Filed, Sept. 19, 1957;
8:49 a. m.]

TITLE 47—TELECOMMUNI- CATION

Chapter I—Federal Communications Commission

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 15 since it was last recapitulated in the FEDERAL REGISTER (December 29, 1955, 20 F. R. 10055), Part 15 is recapitulated as of August 31, 1957, to read as set forth below:

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

Subpart A—General

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15.1 Basis of this part.
15.2 Scope of this part.
15.3 General condition of operation.
15.4 General definitions.
15.5 Equipment available for inspection.
15.6 Information required by the Commission.
15.7 General requirement for restricted radiation devices.

Subpart B—Incidental Radiation Devices

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- 15.201 Frequencies of operation.
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15.204 Alternative requirement for operation on frequencies between 510 kc and 1600 kc.
15.205 Operation in the frequency band 26.97-27.27 Mc.
15.206 Operation above 70 Mc.
15.207 Class B emission prohibited.
15.208 Certification requirements.
15.209 Location of certificate.
15.210 Interference from low power communication devices.

AUTHORITY: §§ 15.1 to 15.210 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 403, 48 Stat. 1081, 1094; 47 U. S. C. 301, 403.

SUBPART A—GENERAL

§ 15.1 *Basis of this part.* Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. Restricted and incidental radiation devices emit radio frequency energy on frequencies within the radio spectrum and constitute a source of harmful interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

§ 15.2 *Scope of this part.* (a) This part contains rules that set forth the conditions under which the operation of incidental and restricted radiation devices is considered to fall outside the purview of section 301 of the Communications Act which specifies when a station license is required as a condition for lawful operation.

(b) No incidental or restricted radiation device which fails to conform to the provisions of this part, or which causes harmful interference, may be operated without a station license. Unless such devices may be operated in accordance with the provisions of some other part of this chapter (see particularly Part 19, Citizens Radio Service), persons wishing to operate such devices in a manner inconsistent with this part will be required to first secure an amendment of the Commission's rules to establish a licensed service providing for such operation and setting forth the technical and other limitations thereof; *Provided*, That in appropriate circumstances, when such a petition for rule making has been filed, the Commission may consider, prior to final action thereon, applications for Special Temporary Authorizations to operate stations on a developmental basis where it can be shown that such temporary operation would be in aid of a final determination as to whether the proposed rule should be adopted, and that such temporary operation would otherwise be in the public interest; and *Provided further*, That the Commission will, in exceptional situations, consider individual applications for licenses to operate incidental or restricted radiation devices, not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

§ 15.3 General condition of operation. Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

§ 15.4 General definitions—(a) Radio frequency energy. Electromagnetic energy at any frequency in the radio spectrum between 10 kc and 3,000,000 Mc.

(b) *Harmful interference.* Any radiation or induction which endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(c) *Incidental radiation device.* A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.

(d) *Restricted radiation device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted

along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials and which are regulated under the provisions of Part 18 of this chapter.

(e) *Community antenna television system.* A restricted radiation device designed and used for the purpose of distributing television signals by means of conducted or guided radio frequency currents to a multiplicity of receivers outside the confines of a single building.

NOTE: The television signals that are distributed are modulated radio frequency signals and may be:

(a) Broadcast signals that have been received and amplified,

(b) Broadcast signals that have been received and converted to another frequency,

(c) Any other modulated radio frequency signals fed into the system.

(f) *Low power communication device.* A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and radio controlled models.

§ 15.5 Equipment available for inspection. Any equipment or device subject to the provisions of this part together with any license, certificate, notice of registration or any technical data required to be kept on file by the operator of the device shall be made available for inspection by Commission representatives upon reasonable request.

§ 15.6 Information required by the Commission. The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device including a copy of any field strength measurements made by or for the operator of the device.

§ 15.7 General requirement for restricted radiation devices. Unless regulated under some other subpart of this part, any apparatus which generates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than $\frac{157,000}{F(kc.)}$ feet (equivalent to $\frac{\lambda}{2\pi}$) need not be licensed provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point

a distance of $\frac{157,000}{F(kc.)}$ feet (equivalent to $\frac{\lambda}{2\pi}$) from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(e) That in the event harmful interference is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

SUBPART B—INCIDENTAL RADIATION DEVICES

§ 15.31 Operating requirements. An incidental radiation device shall be operated so that the radio frequency energy that is radiated does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

SUBPART C—RADIO RECEIVERS

§ 15.61 Scope of this subpart. Radio receivers come within the scope of this subpart insofar as they are restricted radiation devices and generate and radiate radio frequency energy. Typically, these rules apply to superheterodyne receivers in which the oscillator may produce harmful interference. As another example, these rules also regulate television broadcast receivers with respect to the radio frequency energy which is generated by the horizontal sweep circuits and which may cause interference.

§ 15.62 Radiation interference limits. (a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.68 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (Mc)	Field strength (uv/m)
0.45 up to and including 25.....	See paragraph (b).
Over 25 up to and including 70.....	32.
Over 70 up to and including 130.....	50.
130-174.....	50-150 (linear interpolation).
174-260.....	150.
260-470.....	150-500 (linear interpolation).
470-1000.....	500.

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 Mc, the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. This requirement applies only to radio receivers intended to be connected to power lines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 uv at any frequency between 450 kc and 25 Mc inclusive. For all other receivers the voltage shall not exceed 100 uv at any frequency between 450 kc and 9 Mc inclusive, 1000 uv for

frequencies between 10 Mc and 25 Mc and linear increase from 100 uv to 1000 uv for frequencies between 9 Mc and 10 Mc.

§ 15.63 *Measurement procedure.* (a) Any measurement procedure acceptable to the Commission may be used to show compliance with the requirements of this subpart. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed measurement procedure.

(b) The following methods of measurement are considered acceptable procedures for certification of receivers pursuant to § 15.64:

(1) Institute of Radio Engineers Standard 51 IRE 17S1 for radiation measurements.

(2) Institute of Radio Engineers Standard 54 IRE 17S1 for powerline interference measurements for television broadcast receivers, when the standard is modified by substituting a line stabilization network having the electrical constants described in MIL-I-16910A, "Military Specification For Interference Measurement" available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York.

(c) In the case of measurements in the field, radiation in excess of 15 uv/m at any frequency between 450 kc and 25 Mc at the border of the property and more than 15 feet from any power line crossing this border under the control and exclusive use of the person operating or authorizing the operation of the receiver will be considered an indication of non-compliance with the radiation requirements of this subpart.

§ 15.64 *Certification of radio receivers.*

(a) No radio receiver manufactured after the effective dates of this subpart that operates in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, shall be operated without a station license unless it has been certificated to demonstrate compliance with the radiation interference limits in this subpart.

(b) The owner or operator need not certificate his own receiver, if it has been certificated by the manufacturer or the distributor.

(c) Certification made by a manufacturer or the distributor shall be based on tests made on receivers actually produced for sale. Tests shall be performed on a sufficient number of production units to assure that all production units comply with the radiation limitations of this subpart.

(d) The certificate may be executed by an engineer skilled in making and interpreting field strength measurements.

(e) The certificate shall contain the following information:

(1) Name of manufacturer or distributor of receiver,

(2) Model number,

(3) Brief description of receiver, including tuning range, type of circuit, purpose for which used (as broadcast, aircraft, etc.),

(4) Brief statement of the measurement procedure used,

(5) Date the measurements were made,

(6) A summary of the data obtained,

(7) A statement certifying that on the basis of measurements made, the radio receiver is capable of complying with the requirements of this part under normal operation with the usual maintenance,

(8) The name and address of the certifying engineer, and name and address of his employer, if any, and

(9) Date of the certificate.

(f) The certificate shall be retained by the owner, manufacturer or the distributor for a period of five years, and shall be made available, upon reasonable request, to an authorized Commission representative, or photostat furnished by mail. (See § 15.65 for filing requirement with FCC).

§ 15.65 *Information to be filed with Commission.* (a) Each manufacturer, distributor or other certifying agency that issues certifications pursuant to this subpart shall file with the Commission a description of its measurement facilities used for certification.

(b) A copy of each certificate prepared by a manufacturer, distributor or certifying agency shall be filed with the Commission at the time the certificate is prepared.

§ 15.66 *Identification of certificated receivers.* Each certificated receiver shall be identified by a distinctive seal or label, which may be a part of the name plate and which shall state that the receiver has been certificated for compliance with the requirements of this subpart. The seal or label shall be permanently attached to the receiver and shall be readily visible for inspection by prospective purchasers.

§ 15.67 *Operation of radio receivers aboard a ship.* In addition to meeting the requirements of this part, a radio receiver operated aboard a ship shall also meet the requirements of Part 8 of this chapter.

§ 15.68 *Effective date of this subpart.* VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements of this subpart, except that compliance with the power line interference limits for frequencies between 3 Mc and 25 Mc is required for such receivers manufactured after December 31, 1957. All other radio receivers that operate (tune) in the range 30 to 890 Mc manufactured after October 1, 1956, shall comply with the certification requirements of this subpart, except as follows:

(a) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 Mc. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

(b) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements of this subpart; *Provided,*

however, that the limit 500 uv/m appearing in the table contained in § 15.62 of this part is temporarily increased to 1,000 uv/m for all UHF television receivers until December 31, 1958.

(c) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 6 of this chapter which are manufactured after December 31, 1956.

§ 15.69 *Interference from a radio receiver.* The operator of a radio receiver, regardless of tuning range, date of manufacture, or of certification, which causes harmful interference shall promptly take steps to eliminate the harmful interference.

SUBPART D—COMMUNITY ANTENNA TELEVISION SYSTEMS

§ 15.161 *Radiation from a community antenna television system.* Radiation from a community antenna television system shall be limited as follows:

Frequencies (Mc)	Distance (ft.)	Radiation limits (uv/m)	
		General requirement	Sparsely inhabited areas ¹
Up to and including 54.....	100	15	15
Over 54 up to and including 132.....	10	20	400
Over 132 up to and including 216.....	10	50	1,000
Over 216.....	100	15	15

¹ For the purpose of this section, a sparsely inhabited area is an area where television broadcast signals are not, in fact, being received within 1,000 feet of any part of the community antenna television system.

§ 15.162 *Demonstration of compliance.* The operator of each CATV system shall be responsible for insuring that each such system is designed, installed and operated in a manner which fully complies with the provisions of this subpart. Each system operator shall be prepared to show, upon reasonable demand by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

§ 15.163 *Interference from a community antenna television system.* In the event that the operation of a community antenna television system causes harmful interference to reception of authorized radio stations the operator of the system shall immediately take whatever steps are necessary to remedy the interference.

§ 15.164 *Responsibility for receiver generated interference.* Interference originating in a radio receiver shall be the responsibility of the receiver operator in accordance with the provisions of Subpart C of this part: *Provided, however,* That the operator of the community antenna television system to which the receiver is connected shall be responsible for the suppression of receiver generated interference that is distributed by the system when this interference is conducted into the system at the receiver.

§ 15.165 *Measurement of field strength.* Measurements to determine

the field strength of radio frequency energy generated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made above 25 megacycles shall include the following:

(a) A field strength meter using a horizontal dipole antenna shall be employed.

(b) Field strength shall be expressed in terms of the RMS value of synchronizing peak.

(c) The dipole antenna shall be placed 12 feet above the ground and positioned directly below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.

(d) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.

(e) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.

§ 15.166 Effective date of radiation limits in this subpart. (a) The radiation limits for community antenna television systems shall be met by all new systems whose construction begins on or after October 1, 1956, and by all new sections added to existing systems whose construction begins on or after October 1, 1956.

(b) Community antenna television systems in existence on September 30, 1956, shall comply with the radiation limits in this subpart not later than December 31, 1959: *Provided*, That any harmful interference to the reception of authorized radio stations caused by such systems shall be promptly remedied during this period by the operator of the CATV system.

SUBPART E—LOW POWER COMMUNICATION DEVICES

§ 15.201 Frequencies of operation. (a) A low power communication device may be operated on any frequency in the bands 10-490 kc, 510-1600 kc and 26.97-27.27 Mc.

(b) Other frequencies above 70 Mc may be used for operations of short duration in accordance with the requirements set forth in § 15.206.

§ 15.202 Radiation limitation below 1600 kc. A low power communication device which operates on any frequency between 10 and 490 kc or between 510 and 1600 kc shall limit the radiation so that the field strength does not exceed the value specified in the following table:

Frequency (kc)	Distance (feet)	Field strength (uv/m)
10-490	1,000	2400 F(kc)
510-1600	100	24000 F(kc)

§ 15.203 Alternative requirement for operation on frequencies between 160 kc and 190 kc. In lieu of meeting the radiation limitation, stated in § 15.202, a low power communication device operating on a frequency between 160 and 190 kc need only meet the following requirements:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kc or above 190 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

§ 15.204 Alternative requirement for operation on frequencies between 510 and 1600 kc. In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 510 and 1600 kc inclusive need only meet the following requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kc or above 1600 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kc to 1600 kc. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

NOTE: One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement" MIL-I-16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rules call for measurements both with the equipment grounded and with the equipment ungrounded.

§ 15.205 Operation within the frequency band 26.97-27.27 Mc. A low power communication device may operate within the band 26.97-27.27 Mc (27.12 Mc $\pm$ 150 kc) provided it complies with all of the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97-27.27 Mc.

(b) All emissions, including modulation products, below 26.97 Mc or above 27.27 Mc shall be suppressed 20 db or more below the unmodulated carrier.

(c) The power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

§ 15.206 Operation above 70 Mc. A low power communication device may be operated on any frequency above 70 Mc, provided it complies with all of the following conditions:

(a) Operation is limited to one second duration and to occur not more than once in 30 seconds.

(b) The radiated field on any frequency from 70 Mc to 1000 Mc does not exceed the limits specified for receivers in § 15.62.

(c) The radiated field on any frequency above 1000 Mc does not exceed 500 microvolts per meter at a distance of 100 feet.

(d) The device is provided with means for automatically limiting operation within the time restrictions specified in this section.

§ 15.207 Class B emission prohibited. Operation of low power communication devices that produce Class B emissions (damped waves) is prohibited.

§ 15.208 Certification requirements.

(a) No low power communication device manufactured after January 1, 1958 shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in this part.

(b) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(c) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(d) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(e) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

§ 15.209 Location of certificate. The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§ 15.210 Interference from low power communication devices. Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

[F. R. Doc. 57-7729; Filed, Sept. 19, 1957; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board,
Maritime Administration, Department
of CommerceSubchapter F—Merchant Ship Sales Act of 1946
[Gen. Order 60, Supp. 23]PART 299—RULES AND REGULATIONS,
FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART H—ACCOUNTING PROCEDURE

Subpart H is added to Part 299 to read as follows:

- Sec.
299.100 Purpose.
299.101 Definitions.
299.102 Accounting requirements.
299.103 Capital necessarily employed.
299.104 Net voyage profit.
299.105 Statements required by the Administration.
299.106 Certifications and verifications.
299.107 Statement of purposes and reservations.

AUTHORITY: §§ 299.100 to 299.107 Issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

§ 299.100 *Purpose.* The purpose of this subpart is to prescribe procedure to be followed by charterers in the rendition to the Maritime Administration of accountings required under SHIPSALESEMISE 303 (1956), 1st Amendment, Bareboat Charter Agreements.

§ 299.101 *Definitions.* Except when the context clearly indicates otherwise, as used in this subpart:

(a) "Administration" or "owner" refers to the United States of America acting by and through the United States Department of Commerce, Maritime Administration.

(b) "Charterer" refers to a person, firm, or corporation that has chartered vessels from the Administration under a bareboat charter agreement known as SHIPSALESEMISE 303, as hereinafter defined.

(c) "SHIPSALESEMISE 303" refers to Form 303 SHIPSALESEMISE (1956), 1st Amendment, published in the FEDERAL REGISTER on January 30, 1957, § 299.82, and to any future modifications of such 303 SHIPSALESEMISE charter forms which may be adopted.

(d) "Other operations" refers to the operation by the Charterer of vessels other than those chartered from the Administration or the furnishing by the Charterer of services and facilities to such other vessels, and all other business activities of the Charterer.

(e) "Uniform System of Accounts" refers to the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, United States Department of Commerce, in Part 282 of this chapter General Order 22, Revised (Issue of 1950), effective January 1, 1951, published in the FEDERAL REGISTER, November 21, 1950.

(f) "Statutory additional charter hire", which is required to be paid under Clause 13, Part II, shall be one-half (50%) of the cumulative net voyage profits in excess of ten per centum per annum, as provided in Section 709 of the Merchant Marine Act, 1936, as amended,

computed on the basis as set forth in paragraph (c) of § 299.104.

(g) "Allowable return" refers to the amount, at the rate of ten per centum per annum of "capital necessarily employed", which, to the extent earned, the Charterer is permitted to deduct from the cumulative net voyage profit in the computation of statutory additional charter hire.

(h) "Accounting period" or "other accounting period" refers to a period with respect to which a separate determination of statutory additional charter hire due the Administration is required to be made pursuant to the provisions of the applicable bareboat charter agreement, commencing with the first day of the calendar year, or the first day of the month during which the first vessel is delivered to the Charterer under the agreement involved, or the first day of the month during which an addendum requiring a separate determination of statutory additional charter hire becomes effective, and ending with the last day of the calendar year or the last day of the month during the calendar year in which the last vessel is redelivered to the Administration under the agreement (or addendum) involved.

(i) "Overall accounting period" refers to a period from the earliest commencement of an accounting period to the latest termination of an accounting period during the same calendar year.

§ 299.102 *Accounting requirements—*
(a) *Contract provisions and applicable instructions—*(1) *Preliminary payments, statutory additional charter hire.* (i) Clause 13, Part II, SHIPSALESEMISE 303, which provides that the Charterer shall pay the Owner statutory additional charter hire, as required by section 709, Merchant Marine Act, 1936, as amended, also provides that the time of payment of such hire shall be as provided by regulations of the Owner.

(ii) The Administration hereby requires that the Charterer make preliminary payments to the Owner on account of such statutory additional charter hire, which shall be deemed to be preliminary and subject to adjustment either at the time of the rendition of preliminary statements or upon completion of each final audit by the Owner, at which times such payments will be made to the Owner as such preliminary statements or final audit may show to be due, or such overpayments refunded to the Charterer as may be required. Accordingly, preliminary statements as prescribed in paragraph (a) of § 299.105 shall be prepared and forwarded to the Owner at Washington 25, D. C., within sixty (60) days after the close of each semiannual period, i. e., June 30 and December 31, Provided, however, that in the event the Charterer can submit final accountings within one hundred twenty (120) days after the close of the annual accounting year or by April 30 or within one hundred twenty (120) days after the end of the month in which the last vessel is redelivered to the Owner, such preliminary statements as are required may be waived upon written request of the Charterer to the Owner. Each such preliminary statement and/or final ac-

counting showing the computation of statutory additional charter hire due the Owner shall be accompanied by the Charterer's check payable to "Maritime Adm.—Commerce", on account of statutory additional charter hire for the period involved.

(2) Clause 27 of Part II of SHIPSALESEMISE 303 provides, among other things, that the Charterer—

(i) Shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the Vessels covered by this Agreement in accordance with the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, U. S. Department of Commerce, in Part 282 of this chapter (General Order 22, Revised (Issue of 1950), effective January 1, 1951), and under such regulations as may be prescribed by the Owner, *Provided*, That, notwithstanding the provisions of said Part 282, such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" hereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use hereunder of the Vessels involved in such manner as will accomplish the same results as though such reserves were established, as prescribed in paragraph (b) (9) of § 299.104; and

(ii) Shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, this Agreement. The Owner reserves the right to require that all annual and final accountings, related financial statements, and other documents related thereto deemed necessary by the Owner, shall be certified by independent certified public accountants acceptable to the Owner.

(b) *Annual and final accountings.* (1) Pursuant to the applicable provisions of the bareboat charter agreements, the Administration hereby requires that each Charterer submit a final accounting of statutory additional charter hire accrued to the Owner for each annual or overall accounting period under SHIPSALESEMISE 303. Each such accounting shall be submitted in quadruplicate and shall include the basic statements prescribed in § 299.105 (Statements Required by the Administration). (When Charterer is located in Outposts where branch of the principal coastal office of the Administration is maintained, e. g., Seattle Area Office, statements will be required in quintuplicate.)

(2) Each such accounting, if the amount of statutory additional charter hire shown thereby to have accrued to the Owner is in excess of the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of statutory additional charter hire for the period involved, shall be accompanied by the Charterer's check payable to

"Maritime Adm.—Commerce" on account of statutory additional charter hire for the period involved.

(3) If, conversely, in any instance the amount of statutory additional charter hire shown by such accounting to have accrued to the Owner is less than the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of statutory additional charter hire for the period involved, the Charterer may apply to the Administration for refund of such overpayment and, if such application is found to be in order, the amount of the overpayment will be refunded by the Administration. The application should be made on a public voucher (Form 1034—Revised), in quintuplicate (When Charterer is located in Outports where branch of the principal coastal office of the Administration is maintained, e. g., Seattle Area Office, vouchers will be required in sextuplicate.), bearing language substantially as follows:

Claim for refund of excess of preliminary payments made to Maritime Adm.—Commerce, on account of statutory additional charter hire, over the amount of such statutory additional charter hire indicated to be due the Administration for the period from _____ to _____ under Bareboat Charter Agreement SHIPSALESDMISE 303 No. _____, as per accounting rendered pursuant to General Order No. 60, Supplement 23, which, by this reference, is incorporated in this claim for refund.

(4) The accounting comprising the statements and accompanying remittance or voucher required in this subpart shall be submitted to the Administration through the local District Comptroller and/or the Area or Port Auditor in the district, area, or port in which the home office of the Charterer is located.

(c) *Subsequent adjustments.* (1) In instances where operations under SHIPSALESDMISE 303 continue beyond the end of a calendar year or other accounting period, at the time of the submission of the accounting for each succeeding annual or overall accounting period as required hereunder, the Charterer shall submit also a revised accounting for the previous period including all adjustments affecting that period that occurred subsequent to the rendition of the accounting therefor.

(2) If, in any instance, at the time of the submission of an accounting for an annual or overall accounting period, no adjustment affecting any preceding period has occurred subsequent to the submission of the accounting for such period, the Charterer shall submit to the Administration an appropriate certification to that effect, over the signature of a duly authorized officer.

§ 299.103 *Capital necessarily employed*—(a) *Fundamental basis.* The fundamental basis for the determination of "capital necessarily employed" is provided in Clause 23 (c) of Part II of SHIPSALESDMISE 303.

(b) *Interim additions and deductions.* The definition of "capital necessarily employed" in SHIPSALESDMISE 303

provides, among other things, that additional capital in the form of cash or tangible property paid in during the charter period shall be included in the computation of "capital necessarily employed" from the date paid in and that any withdrawals of capital shall be deducted from the date withdrawn. In the determination of "capital necessarily employed" additional capital, in the form of cash or tangible property paid in, and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be), pro rata, on the basis of the proportion of such additions or withdrawals represented by the relation that the number of days from the date thereof to the end of the calendar year or overall accounting period involved bears to the total number of days within such period, such proportion to be allocated to or between "capital necessarily employed" under SHIPSALESDMISE 303 and "other operations" in the manner prescribed in paragraph (c) of this section.

(c) *Allocation among operations under Bareboat Charter Agreements and "other operations".* The definition of "capital necessarily employed" in SHIPSALESDMISE 303 provides, among other things, that if the Charterer engages in other activities in addition to the operation of the vessels thereunder, the Owner shall determine the proper allocation of capital as between such activities. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(1) Wherever practicable and the result will not be disproportionate, "capital necessarily employed" in the business of the vessel(s) chartered from the Administration shall be determined upon the basis of the "net worth" reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first vessel(s) under the contract (or at the end of the calendar year or other accounting period, deemed by the Owner to fairly present the financial position of the Charterer, but adjusted to take into account such subsequent changes in net worth and such other changes as the Owner may deem essential to a proper determination of "capital necessarily employed" at the end of such month), and as at each succeeding December 31st during the effective period of the agreement, adjusted in such manner as the Owner may determine to be fair and reasonable, including (i) such other adjustments as are consistent with sound accounting principles; (ii) pro rata reduction of any amounts in any instances where the accounting period involved is less than a calendar year, and (iii) the elimination of assets and applicable liabilities not necessarily employed in the operation of the chartered vessels, if \$10,000, or in excess thereof as to each category ((a), (b), (c), etc.), e. g.:

(a) Marketable securities pledged, except for penal bonds—bareboat charter contract;

(b) Non-shipping inventories;

(c) Replacement and similar special funds (including contractual and statutory reserve funds of subsidized operators, less mortgage indebtedness due within one year payable from such funds);

(d) Deferred Operating-Differential Subsidy Receivable (less—recapturable profits—M. A.);

(e) Amounts on deposit under purchase contracts;

(f) Securities of related companies and other non-marketable securities;

(g) Advances and loans to and deposits with related companies;

(h) Non-current receivables from and payables (not in excess of receivables) to, related companies;

(i) Cash value of life insurance;

(j) Net book value of vessels and of non-shipping property and equipment, less the portion of any long-term debt arising from the acquisition of such assets due more than one year after the date of the balance sheet involved;

(k) Construction work in progress;

(l) Notes and accounts receivable from and payables (not in excess of receivables) to officers and employees and others;

(m) Goodwill and other intangible assets; and

(n) Appreciation, etc.

(2) Except in instances involving (i) considerable non-shipping operations, (ii) substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels managed, owned or chartered from others by the Charterer (with respect to which the Charterer shall submit for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in § 299.102 (b) (4), if and to the extent that the "net worth" of the Charterer is employed in the general conduct of the shipping business, it shall be allocated between operations under the bareboat charter agreements with the Administration and "other operations" on the basis of the relation that the vessel operating expenses of the chartered vessels bears to the total vessel operating expenses of all vessels operated by the Charterer. The term "vessel operating expenses", as used in this subparagraph means, for the purposes of this formula, those expenses proper for inclusion in Account 700—Operating Expenses—Terminated Voyages, excepting Account 760—Charter Hire, which shall be eliminated for the purposes of this formula, and Account 765—Agency Fees and Commissions, which, for the purposes of this formula, shall be eliminated from "vessel operating expenses" and included in overhead expenses (for the purpose of eliminating the necessity for allocating branch office income and expense, separately, from the allocation of overhead expenses), and Account 800—Inactive Vessel Expense, excepting Account 826—Charter Hire, all as defined in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised): *Pro-*

vided, That for the purposes of this formula there shall be omitted the proportion of such vessel operating expenses represented by the relation that the expired days of voyages in progress at the commencement of the accounting period involved bears to the total days of such voyages and there shall be taken into account the proportion of such expenses represented by the relation that the expired days of voyages in progress at the termination of such period bears to the total days of such voyages, and further, that for the purposes of the formula prescribed herein only, subsequent adjustments of vessel operating expenses, after the original accounting is rendered, covering each contract for each overall accounting period, in which statutory additional charter hire is required to be computed, accounted for, and paid separately, shall neither be permitted nor required, except in instances where such adjustments, in the net aggregate, equal or exceed one (1) percentum of the aggregate overall vessel operating expenses applicable to the accounting period involved: And provided further, That, for the purposes of the formula prescribed herein only, as for example, in any instance where the vessel(s) hereunder is (are) under time charter to the Military Sea Transportation Service, the term "vessel operating expenses" shall include any similar expenses incurred for account of, and recoverable from such time charter.

(d) *Limitation of "capital necessarily employed."* (1) (i) If, in any instance, the amount allocated to "capital necessarily employed" under SHIPSALESDEMISE 303, in accordance with the foregoing provisions of this section, is in excess of the greater of (a) the working capital requirements, or (b) the net worth requirements determined in the manner provided in paragraph (2) of Clause H—Special Provisions, of Part I of SHIPSALESDEMISE 303, such allocation shall be disregarded and "capital necessarily employed" shall be determined in accordance with such Special Provisions. In the application of this limitation, for the purpose of determining

(1) The number of vessels involved in instances where they do not remain constant throughout the accounting period, and

(2) The amount of working capital requirements or the net worth requirements (whichever is the greater) in instances where more than one type of vessel is involved,

the following formula is prescribed:

(i) The number of vessels involved shall be deemed to be the result obtained by dividing into the total number of days, for all vessels for the accounting period involved, the number of calendar days within such period. (For the purposes of this calculation the "total number of days" shall be considered as beginning with the delivery date of the vessel during an accounting period to the end of such accounting period or the date on which the vessel is redelivered during the period), and

(ii) The average working capital requirements or net worth requirements

per vessel shall be determined by multiplying the greater of such requirements (as modified in subparagraphs (a) and (b) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") for each type of vessel involved by the number of days covering all vessels of that type for the accounting period involved, and dividing the sum of the results thus obtained for all types of vessels involved by the aggregate number of days for all types of vessels.

(ii) The amount to be deducted in the determination of statutory addi-

tional charter hire (as ten per centum per annum on "capital employed") shall be that proportion of ten per cent represented by the relation that the number of days within the accounting period involved bears to three hundred and sixty-five (except leap year), the number of days within the year, as shown in the following example (in which the working capital requirements are assumed to exceed the net worth requirements and the accounting period is assumed to be 180 days):

Determination of Average Working Capital Requirements	
Vessels	
Type "A".....	11 for 150 days each=1,650 days @ \$90,000 = \$148,500.00
Type "B".....	5 for 180 days each= 900 days @ 80,000 = 72,000.00
Type "C".....	2 for 120 days each= 240 days @ 100,000 = 24,000.00
Type "D".....	1 for 180 days each= 180 days @ 100,000 = 18,000.00
Type "E".....	1 for 180 days each= 180 days @ 140,000 = 25,200.00
	3,150 days.....\$296,700.00
Total as above.....	\$296,700.00
Divided by—Total vessel days as above.....	3,150
Average working capital requirements per vessel.....	\$94,190.48
Determination of Number of Vessels for Period	
Total vessel days as above.....	3,150
Divided by—Total days in period.....	180
Total vessels for period.....	17½
Determination of "Capital Employed"	
First to fifth vessel, inclusive (100% of \$94,190.48 × 5) 1.....	\$470,952.40
Sixth to tenth vessel, inclusive (75% of \$94,190.48 × 5) 2.....	\$353,214.30
Eleventh to fifteenth vessel, inclusive (50% of \$94,190.48 × 5) 2.....	\$235,476.20
Excess of fifteen (2½ vessels) (25% of \$94,190.48 × 2½) 2.....	\$58,869.05
	\$1,118,511.95
"Allowable return" of 180/365 of 10% of "capital employed".....	\$55,159.49

1 Working capital requirements (as modified in sub-paragraph (a) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") should be used for this purpose, if they exceed net worth requirements.

2 Fractions resulting from the calculation of the number of vessels involved shall be taken into account, the 25 percent reduction being applicable to such fractions occurring between the fifth and sixth vessels, and the 50 percent reduction to those occurring between the tenth and eleventh vessels.

(iii) For the purpose of computing the limitation of "Capital Necessarily Employed", as prescribed in this paragraph, the "Working Capital" and/or "Net Worth" requirements (determined pursuant to Clause H, Special Provisions 1 and 2 of Part I of the Agreement), as published in the FEDERAL REGISTER, at the time vessel(s) were applied for, shall remain in full force and effect with respect to such vessel(s) during the entire period of the agreement: *Provided, however*, If any vessel(s) are redelivered and subsequently rechartered, the application to re-charter the vessel(s) shall be treated as a new application for purposes of determining the "Limitation of Capital Necessarily Employed".

§ 299.104 *Net voyage profit*—(a) *Fundamental basis.* (1) The fundamental basis for the determination of "net voyage profit" is provided in Clause 23 (a) of Part II of SHIPSALESDEMISE 303.

(2) The fundamental basis for the determination of "fair and reasonable overhead expenses" (which are deductible from gross income in the determination of "net voyage profit") is prescribed in Clause 23 (b) of Part II of SHIPSALESDEMISE 303.

(3) The fundamental basis with respect to reserves to be taken into account in the determination of "net voyage profit" is prescribed in Clause 27 of Part II of SHIPSALESDEMISE 303.

(b) *Allocation among operations under Bareboat Charter Agreements and "other operations."* The definition of "net voyage profit" in SHIPSALESDEMISE 303 provides, in effect, among other things, that, in instances where the Charterer engages in other activities in addition to the operation of the vessels thereunder, income and expenses other than those directly and exclusively allocable to the operation of such vessels shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(1) Wherever practicable and the result will not be disproportionate, income and expenses (including, but not necessarily limited to, operating revenues and expenses on terminated voyages, inactive vessels expense, operating-differential subsidy, collections from and contributions to pools for the purpose of equalizing revenue in accordance with pooling agreements) shall be allocated directly to the operation from which they are derived or in which they are incurred.

(2) Except in instances where the Charterer maintains its accounts on an actual cost basis respecting the operations covered herein below, the "Uniform System of Accounts for Maritime Carriers" provided in Part 282 of this chapter (General Order 22, Revised), provides, among other things, that Ac-

counts Nos. 891—Credits from Terminal Operations, 892—Credits from Cargo Handling Operations, 893—Credits from Tug and Lighter Operations, 894—Credits from Other Shipping Operations (in instances where such services or facilities are maintained by the Charterer), shall be credited with "agreed amounts" for the use of such services or facilities by vessels owned by the Charterer, with corresponding charges to Vessel Operating Expense. In instances where the Charterer maintains such services or facilities and they are used by the chartered vessels, the Charterer shall charge in the Vessel Operating Expense Accounts of the chartered vessels fair and reasonable amounts for the use of such services or facilities (but not in excess of (i) the "going rates" for the services or facilities at the ports involved, or (ii) the rates at which such services or facilities could be obtained from independent suppliers, or (iii) the rates charged all other vessels using them): *Provided*, Similar charges are made in the accounts of all other vessels operated by the Charterer. If the sum of the gross income derived from the use of such services or facilities by vessels (i) under SHIPSALESDMISE 303, (ii) owned by the Charterer, and (iii) chartered from others by the Charterer, exceeds the gross income derived from the use of such services or facilities by other vessels,

(a) The expense of maintaining such services or facilities shall be included in Accounts Nos. 855—Expense of Terminal Operations, 865—Expense of Cargo Handling Operations, 875—Expense of Tug and Lighter Operations, and 885—Expense of Other Shipping Operations, and shall be allocated among the operation of the vessels under SHIPSALESDMISE 303 and "Other Operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities, except that income derived from the furnishing of such services or facilities to vessels neither owned, nor chartered from the Administration or others, by the Charterer shall not be included in the above calculation but shall be prorated between the operation of the vessels under SHIPSALESDMISE 303 and "Other Operations" in the same manner as is the expense of maintaining such services or facilities as thus determined, and

(b) The amounts credited to the income accounts shall be allocated directly to the operation of the vessels under SHIPSALESDMISE 303 and "Other Operations" on the same basis as are the corresponding charges to the Vessel Operating Expense Accounts.

If, conversely, the sum of the gross income derived from the use of such services or facilities by vessel (i) under SHIPSALESDMISE 303, (ii) owned by the Charterer, and (iii) chartered from others by the Charterer, is less than the gross income derived from the use of such services or facilities by other vessels,

(a) The amounts credited to the income accounts corresponding to charges in the Vessel Operating Expense Ac-

counts of the vessels under SHIPSALESDMISE 303 shall be allocated directly to the operation of such chartered vessels and the amounts credited to the income accounts corresponding (1) to charges in the accounts of vessels, owned, or chartered from others than the Administration, by the Charterer, and (2) to charges against others for the use of such services or facilities shall be allocated to "other operations", and

(b) The expense of maintaining such services or facilities shall be allocated between the operation of vessels under SHIPSALESDMISE 303 and "Other Operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities.

(3) Compensation, including compensation for liquidating the activities and business of vessels earned by general agents (as determined by District Comptrollers), under NSA Order No. 47 (AGE-4 and amendments thereto) shall be allocated 20 percent direct to "Other Operations"; the remaining 80 percent of the total compensation earned under the applicable order shall be deducted from the total overhead expenses of the Charterer before allocation of such expenses between SHIPSALESDMISE 303 and "Other Operations".

(4) In instances where branch offices of the Charterer act as agents for the chartered vessels and if it is impracticable to determine the actual cost of such services, the Charterer may charge in the vessel operating expense accounts of the chartered vessels fair and reasonable amounts for such services (but at not in excess of (i) the "going rates" for the services at the ports involved, or (ii) the rates at which such services could be obtained from independent agents, or (iii) the rates charged all other vessels for such services): *Provided*, Similar charges are made in the accounts of all other vessels operated by the Charterer. Such credits shall be accumulated in Account No. 895—Credits from Branch House Operations, in the manner prescribed in Part 282 of this chapter (General Order No. 22, Revised), and deducted from overhead expense as prescribed in subparagraph (5) of this paragraph.

(5) (i) Except in instances involving (a) considerable non-shipping operations, and (b) substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels managed, owned or chartered from others by the Charterer, or (c) agency operations actually carried on as a separate and substantial business activity of the Charterer for its own account and not merely incidental to the operation of the chartered vessels (with respect to which the Charterer shall submit, for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in subparagraph (4) of § 299.102 (b)), overhead expenses (if not directly allocable to a particular operation, i. e., bareboat or other), includ-

ing (1) administrative and general expense and (2) expenses incurred in the operation and maintenance of branch houses; less (i) 80 percent of the total agency fees, commissions, and brokerage earned from outside agency activities (the remaining 20 per cent to be allocated direct to "Other Operations"), and (ii) credits from branch house operations (Account No. 895); (3) management and operating commissions, advertising expenses (other than that directly allocable to a particular operation, i. e., bareboat or other), taxes, other than Federal; income tax, and (4) agency fees and commissions transferred from vessel operating expense (Account No. 765); all as described in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administration in Part 282 of this chapter (General Order No. 22, Revised), and as the Owner may determine to be fair and reasonable and properly included, shall be allocated between operations under the SHIPSALESDMISE 303 and "Other Operations" on the basis of the relation that the "vessel operating expense" (as hereinbefore defined in § 299.103 (c) (2)) of the chartered vessel(s) bears to the total vessel operating expenses of all vessels operated by the Charterer during the annual or overall accounting period involved.

(ii) Subject to the conditions prescribed in § 299.106 (b), in any instance where the statements required to be submitted to the Administration hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, such fair and reasonable payments as the Administration determines to have been made by the Charterer for the certification of such statements by such certified public accountants may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the total vessel operating expenses (determined similarly as defined in § 299.103 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements.

(iii) The salaries of any additional personnel which the Charterer demonstrates to the satisfaction of the Administration to have been necessarily employed for the exclusive purpose of preparing such statements (irrespective of whether or not they are certified by an independent certified public accountant or a firm of independent certified public accountants) shall be allocated over the entire period covered by such statements on the basis of the relation that the total vessel operating expenses (determined similarly as defined in § 299.103 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements.

(iv) Post redelivery overhead expense shall be allowed, as additional expense in computing statutory additional char-

ter hire, in an amount equal to ten dollars (\$10.00) per day for each day each vessel is under the bareboat charter agreement for a maximum period of 180 days. Such post redelivery overhead expense shall be allocated directly to operations under the bareboat charter(s) on the basis of the relation that the total vessel operating expense (determined similarly as defined in § 299.103 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements. Provided, that such allowance so accounted for, shall (in the event an additional agreement (or agreements) is (are) entered into and vessels delivered thereunder subsequent to redelivery of the last vessel under the preceding agreement, during the same calendar year), be deducted from overhead expense before allocation thereof under all or any succeeding agreements.

(6) Depreciation—Floating Equipment—Vessels, shall be allocated direct to "Other Operations". Depreciation—Other Floating Equipment, Depreciation—Terminal Property and Equipment, and Depreciation—Other Shipping Property and Equipment, excepting depreciation on office furniture, fixtures and equipment, shall be allocated among the various operations on the same relative bases as are the other expenses of maintaining such services and facilities pursuant to subparagraph (2) of this paragraph. Depreciation on office furniture, fixtures and equipment and Amortization of Leaseholds (to the extent not subject to direct allocation) shall be allocated among the various operations on the same relative basis as are Fair and Reasonable Overhead Expenses pursuant to the formula prescribed in § 299.103 (c) (2).

(7) Income in the form of interest earned and dividends, interest expense (except interest expense on mortgage notes covering vessels purchased, construction commitments, mortgage bonds, debentures, and other long-term debt, if not specifically employed in the operation of the chartered vessel(s)), shall be allocated direct to "Other Operations". Miscellaneous operating income and expense, miscellaneous other income and miscellaneous other deductions from income if and to the extent they are not susceptible to direct allocation, but are derived from and incurred in the general conduct of the shipping business, shall be allocated among the various operations on the same relative basis as are Fair and Reasonable Overhead Expenses pursuant to the formula prescribed in § 299.103 (c) (2).

(8) Income derived from, and expenses incurred in, non-shipping operations shall be allocated directly to "Other Operations".

(9) Reserves to be taken into account in the determination of "net voyage profit":

(i) Subject to the conditions provided in this paragraph, upon application of the Charterer, supported by adequate data based on past experience, the in-

clusion in vessel operating expenses applicable to all terminated voyages of such charges as the Administration determines to be fair and reasonable will be permitted to provide reserves for:

(a) Vessel repair expenses (including voyage and annual or periodic special survey repair expenses as well as expenses of repairs incident to deactivation and/or redelivery of vessels).

(b) Vessel redelivery expenses (excepting such expenses, if any, for which the Charterer is reimbursed by the Owner, and excepting also any overhead expenses of the Charterer) incurred during the period from the time of paying off the crew or completion of discharge of cargo or ballast on the last voyage, or from the date of availability of the vessel for redelivery pursuant to the terms of the Agreement, whichever later occurs, to the time of redelivery of the vessel to the Administration, such as (i) wages of crew, (ii) food and stores consumed, (iii) fuel consumed, (iv) monthly charter hire, (v) insurance premiums, (vi) port charges, (vii) cleaning, watching, maintenance expenses, shore labor, and miscellaneous expenses incident to redelivery, and (viii) expenses, if any, incident to transporting the ship from port of return to the United States upon its last voyage to port of redelivery, and

(c) Reserves for P. & I. insurance deductible average losses.

(i) The reserves for vessel repair expenses and for vessel redelivery expenses shall be adjusted (a) as at December 31, 1956, with respect to vessels redelivered to the Administration on or before that date, (b) as at the end of each succeeding calendar year with respect to vessels redelivered to the Administration during such year, and (c) at the time of final accounting under the Agreement with respect to vessels redelivered to the Administration during the period following the end of the last preceding calendar year. Such adjustment shall be accomplished by distributing separately the balances in such reserves applicable to each individual vessel redelivered to the Administration during each such period in such manner as will have the effect of spreading the actual expenses applicable to each such vessel over the accounting periods involved (with respect to which a separate determination of statutory additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after July 1, 1956 and ending with the date of its redelivery to the Administration.

(ii) The reserves for P. & I. insurance deductible average losses shall be adjusted at the time of final accounting under the Agreement, by distributing separately the balances in such reserves applicable to each individual vessel in such manner as will have the effect of spreading the actual expenses applicable to each individual vessel over the accounting periods involved (with respect to which a separate determination of statutory additional charter hire is required to be made) on the basis of the

relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after July 1, 1956 and ending with the date of its redelivery to the Administration.

(iv) If in any instance either of the reserves specifically authorized in subdivision (i) of this subparagraph is not established, or, if established, the amount thereof is not adequate to cover the actual expenses properly chargeable thereto, such expenses, or the excess thereof over the amount of the reserve established to provide therefor, as the case may be, applicable to each individual vessel involved, shall be distributed over the period of use of such vessel under the Agreement, commencing with the first voyage terminating after July 1, 1956, in such manner as will accomplish the same result as though adequate reserves were established to provide for such expenses as provided in this section.

(v) In the determination of "Net Voyage Profit" under the Agreement, there shall not be taken into account (a) any charge resulting from the creation of reserves to cover expenses other than those specifically provided for in subdivision (i) of this subparagraph, or (b) any charge resulting from the spreading of expenses other than those with respect to which the creation of reserves is specifically provided for in subdivision (i) of this subparagraph.

(10) Adjustments in absence of physical inventories. Except in instances where physical inventories satisfactory to the Owner were taken at the end of each accounting period with respect to which a separate determination of statutory additional charter hire is required to be made,

(i) The value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of delivery of the vessel to the Charterer shall be charged in Account 060—Stores, Supplies and Equipment Aboard Vessels—and the value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of redelivery of the vessel to the Owner shall be credited in the same account.

(ii) The difference between the value of such delivery inventory and the value of such redelivery inventory shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner, and

(iii) The value of priced differences between the itemized lists of expendable equipment upon delivery and redelivery shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner.

(c) Calculation of net voyage profit on cumulative basis. Clause 13, Part II, SHIPSALESEMISE 303, provides that the Charterer shall pay the Owner statutory additional charter hire as required by Section 709, Merchant Marine Act, 1936, as amended. Under said section

it is provided that "whenever, at the end of any calendar year subsequent to the execution of such charter, the cumulative net voyage profits (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10 per centum per annum on the charterer's capital necessarily employed in the business of such chartered vessels, the charterer shall pay over to the Commission, as additional charter hire, one-half of such cumulative net voyage profit in excess of 10 per centum per annum: *Provided*, That the cumulative net profit so accounted for shall not be included in any calculation of cumulative net profit in subsequent years." [Italics supplied.] For purposes of calculating "cumulative net voyage profits", any net voyage losses and/or any unearned portion of the allowable return of 10 per cent per annum on capital necessarily employed in the business of the chartered vessels, may be carried forward into the next accounting period or periods, but in no event shall profits in excess of 10 per cent per annum on capital employed, at the end of any accounting period, be carried forward into the next accounting period. The foregoing is without prejudice to the position heretofore or hereafter asserted by the Government in litigation involving these charters.

§ 299.105 *Statements required by the Administration*—(a) *Preliminary Statements*. (1) Semiannual preliminary statements of statutory additional charter hire required hereunder, as referred to in § 299.102 (a) (1), shall include the following statements: (There will be supplied by the Office of the Comptroller illustrative examples of such statements based on hypothetical figures.)

Exhibit A—Analysis of net worth and allocation of "Capital Necessarily Employed" for the purpose of determining "Statutory Additional Charter Hire".

Exhibit B—Comparative balance sheet.

Exhibit C—Income sheet.

Exhibit D—Formulae for the allocation of net worth and income and expense.

Schedule A-1—Formula for limitation of "Capital Necessarily Employed".

(2) For the purpose of such preliminary statements, the Charterer may substitute, for the analysis reflected on Exhibit A of the illustrative examples, a computation premised upon the "Formula for the Limitation of Capital Necessarily Employed" as shown on Schedule A-1 of the illustrative examples (thus eliminating the preparation of the detailed analysis shown on Exhibit A and also the balance sheet as reflected on Exhibit B). The analysis shown on Exhibit C, Income Sheet, may be condensed to principal captions where practicable. The Formulae shown on Exhibit "D" may be limited to that portion applicable only to the allocation of income and expense items, Formula A: *Provided*, That, in any instance where the income sheet covering operations under the bareboat charter agreements involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to

submit statements reflecting its calculation of "capital necessarily employed" as herein prescribed; however, in any event, the Charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times prescribed in this subpart.

(b) *Final accountings*. Final accountings required hereunder, as referred to in § 299.102 (b) (1), shall include the following statements: (There will be supplied by the Office of the Comptroller illustrative examples of such statements, based on hypothetical figures.)

(1) *Exhibit A—Analysis of net worth and allocation of "Capital Necessarily Employed for the purpose of determining "Statutory Additional Charter Hire"*. The procedure for the preparation of this statement contemplates:

(i) That a balance sheet is required to be prepared only (a) as at the end of the month preceding the date of delivery of the first vessel under SHIPSALESDEMISE 303, even though more than one such agreement became effective during the calendar year involved, and (b) at the end of that and each succeeding calendar year; and

(ii) That the net worth as reflected in such balance sheet, adjusted as required pursuant to Clause 23 (c) of SHIPSALESDEMISE 303, shall be allocated among operations under such bareboat charter agreement and "Other Operations" on the basis prescribed in § 299.103 (c) (2); and

(iii) That the net worth as reflected in each such balance sheet as adjusted shall be further adjusted to ascertain the net worth at the commencement of each succeeding agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately), whereunder delivery of the first vessel is made during the calendar year involved, by taking into account (a) additions to capital, (b) withdrawals of capital, and (c) net profits (or losses) after statutory additional charter hire and after provisions for Federal income tax occurring (1) during the period between the end of the month preceding the date of delivery of the first vessel under the first agreement and the end of the month preceding the date of delivery of the first vessel under the second agreement, if any, and (2) during each similar intervening period preceding each succeeding agreement whereunder delivery of the first vessel is made during the calendar year involved. In computing such adjustment, the net profit earned (or loss sustained) during such periods shall be ascertained by allocating the proportion of the total net profit earned (or loss sustained) under each bareboat charter agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately) and in "Other Operations" to such periods, on the basis of the relation that the vessel operating expenses (in accordance with the formula prescribed in § 299.103 (c) (2)) incurred under each such agreement and in "Other Operations" during the period from the beginning of the calendar year involved or

from the end of the month preceding the date of delivery of the first vessel under the first bareboat charter agreement with the Administration (whichever later occurs) to the commencement of the period with respect to which the determination of net worth is required to be made, separately, bears to the total of such vessel operating expenses under each such agreement and in "Other Operations" during the overall accounting period involved; and

(iv) That, in the determination of "capital necessarily employed" under SHIPSALESDEMISE 303 additional capital in the form of cash or tangible property paid in and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be) in the manner prescribed in § 299.103 (b); and

(v) That the "capital necessarily employed" as thus determined separately, with respect to each bareboat charter agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately) shall be compared with any limitations thereon prescribed in § 299.103 (d), and that the "allowable return" (at the rate of 10 per centum per annum) of the Charterer under each such agreement shall be calculated on the basis of the lesser of the two; and

(vi) That the "allowable return" as thus determined shall be deducted from the net voyage profit earned under the corresponding agreement during the accounting period involved and that the balance shall be divided between the Charterer and the Administration in accordance with the applicable provisions of the respective agreements; *Provided*, That, in any instance where the income sheet covering operations under the bareboat charter agreements involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to submit statements reflecting its calculation of "capital necessarily employed"; however, in any event, the Charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times prescribed in this subpart.

(2) *Exhibit B—Comparative balance sheet*. The procedure for the preparation of this statement contemplates:

(i) That, for each annual or overall accounting period, there shall be submitted, in comparative form, a balance sheet as at the end of the month immediately preceding the date of the beginning of such accounting period and as at the end of the last month within such accounting period; and

(ii) That, with respect to the first accounting period of the Charterer, the initial balance sheet shall reflect the financial position of the Charterer as at the end of the month preceding the date of delivery of the first vessel under the initial bareboat charter agreement with the Administration; and

(iii) That, in instances where additional agreements become effective during an annual or overall accounting period, it will not be necessary that the

Charterer prepare a separate balance sheet to cover such additional agreements, since the net worth at the commencement of each such agreement, will be determined by adjusting the Net Worth reflected in the balance sheet at the commencement of the annual or overall accounting period in the manner prescribed in subparagraph (1) (iii) of this paragraph for the preparation of Exhibit A; and

(iv) That the accounts reflected in each such balance sheet shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other; and

(v) That the assets reflected in each such balance sheet shall be stated in conformity with generally accepted accounting principles applied on a consistent basis and, to the extent applicable, on the basis prescribed in Paragraph (c) of Clause 23 of Part II of SHIPSALESDMISE 303; that adequate reserves shall be shown for accounts receivable doubtful of collection and for such other items as require valuation reserves to reflect their true value; and that there shall be included an adequate statement of all known and ascertainable liabilities.

(3) *Exhibit C—Income sheet.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted income sheets which accurately reflect the results of all operations (a) during the entire period commencing with the first day of the calendar month during which the first vessel is delivered under the initial bareboat charter agreement with the Administration and terminating at the end of that calendar year, and (b) for each succeeding calendar year or overall accounting period as herein defined; and

(ii) That the income and expenses reflected on such income sheets shall be allocated among operations under SHIPSALESDMISE 303 and "Other Operations" on the bases prescribed in § 299.103 (c) (2); and

(iii) That the items of income and expense reflected in each such income sheet shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other.

(4) *Exhibit D—Formulae for the allocation of net worth and income and expenses.* There shall be submitted for each period with respect to which a separate income sheet is required hereunder a separate statement reflecting the formulae by which the assets and liabilities and income and expenses are distributed among the various operations during each such period in accordance with § 299.103 (c) (2).

(5) *Exhibit E—Working trial balance.* The procedure for the preparation of this statement contemplates:

(i) That there shall be prepared a working trial balance as at each date with respect to which a separate balance sheet is required hereunder; and

(ii) That the balance reflected in the general ledger at the respective dates shall be listed by accounts and distributed to the appropriate columns provided therefor in the illustrative example included among those to be supplied by the Office of the Comptroller; and

(iii) That the Charterer shall determine that the items included in each asset and liability account have been properly classified and adjusted, that the balances are correct, and do not contain items of income or expense applicable to either a prior or current accounting period (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors); and

(iv) That the Charterer shall determine that the items included in each income and expense account have been properly classified and adjusted, that the balances are correct, and that such balances are entirely applicable to the accounting period involved (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors); and

(v) That the balance in each clearance account shall be thoroughly analyzed and proper accounting disposition made thereof; and

(vi) That all adjustments to the accounts listed in the working trial balance shall be accomplished by posting thereto journal entries, prepared in numerical sequence and containing a complete description as to the reasons for the adjustment, copies of such journal entries to be made available to the Owner upon request; and

(vii) That the Charterer may change or vary the design of this working trial balance to suit its particular needs: *Provided*, That the statement substituted will produce the same results and reflect all of the information required, but in this respect it is emphasized that the Owner has found the illustrative example included among those to be supplied by the Office of the Comptroller to be satisfactory and particularly well adapted to its use in conducting audits of charter operations.

(6) *Schedule A-1—Formula for limitation of "Capital Necessarily Employed."* This schedule shall reflect the calculation of the limitation of "Capital Necessarily Employed" in accordance with § 299.103 (d) separately for each accounting period with respect to which a determination of "Capital Necessarily Employed" is required hereunder.

(7) *Schedule B-1—Analysis of surplus.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted an analysis of surplus in support of each balance sheet required hereunder; and

(ii) That such analysis in support of the beginning balance sheet pertaining to the first SHIPSALESDMISE 303 bareboat charter agreement with the Administration shall reflect, e. g., (a) surplus (or deficit) as at December 31, 1955, (b) net profit (or loss) during the period from January 1, 1956, to the end

of the month preceding the date of delivery of the first vessel thereunder, (c) direct adjustments to surplus during such period, and (d) the balance as at the end of such period; and

(iii) That, in addition to subdivision (ii) of this subparagraph, such analysis shall reflect also (a) profit or loss during the period from the first day of the calendar month during which the first vessel was delivered under the first SHIPSALESDMISE 303 bareboat charter agreement with the Administration to December 31, 1956, (b) direct adjustments to surplus during such period, and (c) the balance as at December 31, 1956; and

(iv) That such analyses for subsequent annual or overall accounting periods shall be prepared in a similar manner to reflect separately changes in surplus during each period with respect to which a separate determination of "capital necessarily employed" is required.

(8) *Schedule E-1—Analysis of profit and loss.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted in support of each working trial balance required hereunder an analysis of profit and loss for the calendar year or overall accounting period involved and that such analysis shall be grouped by accounts in the manner indicated in the illustrative examples included among those to be supplied by the Office of the Comptroller; and

(ii) That such analysis shall include all adjustments effected by the Charterer and, as part of the working trial balance, shall be the basis upon which the Income Sheet (Exhibit "C") is prepared; and

(iii) That all items of income and expense reflected in the analysis of profit and loss shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other.

§ 299.106 *Certifications and verifications.* (a) The accounting required hereunder shall be submitted under cover of an affidavit, executed by the corporate officer responsible for the accuracy and maintenance of the books of account and financial records of the Charterer, if a corporation, or by a general partner so responsible, if a partnership, which affidavit shall be substantially as follows:

AFFIDAVIT

STATE OF _____
COUNTY OF _____ ss:
_____, being first
duly sworn on his (her) oath, states:
That I am _____ of the
(Title)

(Name of Charterer)
Charterer under bareboat charter agreement(s) with the United States Maritime Administration known as "SHIPSALESDMISE 303" (MA...); that, as such, I am responsible for the accuracy and maintenance of the books of account and financial records of the Charterer and am thoroughly familiar with such books and records and with the terms

¹ Show only applicable contract references.

and conditions of the aforesaid bareboat charter agreement(s) and with the orders, rules, regulations, and instructions of the Maritime Administration appertaining thereto as issued or adopted by the United States Maritime Administration; that I have carefully examined the statements comprising the accounting annexed hereto covering the period from _____ to _____, under the aforesaid bareboat charter agreement(s); and that, to the best of my knowledge and belief, the said accounting reflects a true and complete statement of the "capital necessarily employed in the business" of the chartered vessels and the statutory additional charter hire accrued to the United States Maritime Administration under the aforesaid bareboat charter agreement(s) during the period from _____ to _____, under the terms and conditions thereof and in accordance with the orders, rules, regulations, and instructions of the Maritime Administration issued or adopted by the United States Maritime Administration appertaining thereto; the balance sheets included in the annexed accounting fairly present the financial position of the Charterer as at the dates thereof, including (but not limited to) an adequate statement of all known and ascertainable liabilities, and the income sheet included in the annexed accounting correctly states the operating results of the Charterer for the period covered by such accounting; and that the Charterer to the best of my knowledge and belief, has fully complied with all the terms and conditions of said bareboat charter agreement(s) in the manner and at the times therein required.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this _____ day of _____, 19__.

My Commission expires _____.

(Notary Public)

(b) If an independent certified public accountant or a firm of independent certified public accountants is employed by the Charterer for the purpose of certifying the statements required hereunder, the review and settlement by the Owner of statutory additional charter hire determinations thereby may be facilitated. If, therefore, at the option of the Charterer, the statements required hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, fair and reasonable payments made by the Charterer to such professional accountants for services and incidental expenses relating to such certification may be allocated directly to operations under the bareboat charter agreements involved on the basis prescribed in § 299.103 (c) (2): *Provided*, That the following minimum conditions are observed:

(1) Such certified public accountants will undertake to make their working papers available for examination by the Owner's auditors upon request and to permit the Owner's auditors to make copies of such papers to the extent they deem necessary;

(2) Such certified public accountants are independent in fact (an accountant will not be considered independent with respect to any person in whom he has any substantial interest, direct or indirect, or with whom he is, or was during the period of the bareboat charter agreements involved, connected as an officer,

director, executive, or employee. As used in this sub-paragraph, the term "any person" shall include the Charterer, and any holding company, subsidiary, affiliate, or associate of the Charterer); and

(3) The statements submitted are accompanied, in addition to the affidavit required of the Charterer, by a signed opinion of the independent certified public accountant in the following or substantially similar form:

We (I) have examined the statements comprising the accounting annexed hereto, and have found the statements to have been prepared by the Charterer in accordance with the terms and conditions of the applicable bareboat charter agreement(s) and with the applicable orders, rules, regulations, and instructions issued or adopted by the Maritime Administration.

Our (my) examination of the statements included examination of the underlying books of account and records for the period from _____ to _____. Our (my) examination was made in accordance with generally accepted auditing standards and included all procedures which we (I) considered necessary in the circumstances (state exceptions if any). In our (my) opinion the annexed statements fairly present the proper determination of the 'capital necessarily employed in the business' of the chartered vessels and the calculation of statutory additional charter hire (in the aggregate amount of \$_____) accrued to the account of the Maritime Administration under bareboat charter agreement(s) No.(s) _____ for the period from _____ to _____.

(Independent Certified Public Accountant(s))

Upon receipt of statements certified by an independent certified public accountant or a firm of independent certified public accountants under the conditions prescribed in this paragraph, the Maritime Administration will take into consideration the scope of the audit conducted by such independent certified public accountants of the Charterer's accounts.

(c) (1) In arriving at the amount of net voyage profit for the purpose of calculating statutory additional charter hire under a bareboat charter agreement with the Administration there shall not be taken into account any item of expense, as a deduction from gross income, in any case where such item of expense represents a payment or expenditure or transfer of anything of value, directly or indirectly, to or on behalf of any person or organization or association, in a transaction occurring within the United States, its territories or possessions,

(i) To induce unethically any person, organization or association, to take or refrain from taking any action calculated to affect the relations between the Charterer and its employees, or to influence unethically the manner of performance of his or its employment or calling; or

(ii) Ostensibly as compensation for, but actually for a consideration other than, personal services rendered as an employee.

(2) Accordingly, an affidavit in the form following shall be submitted with each accounting rendered by a Charterer:

AFFIDAVIT

STATE OF _____

COUNTY OF _____ SS:

_____, being duly sworn deposes and says that he is _____ of _____ (Title)

(Name of Charterer)

that it is his duty to have supervision over the books of account of the said Company and to control, in accordance with applicable regulations of the Maritime Administration, the manner in which such books are kept and the said Company's accountings to the Maritime Administration under any bareboat charter party agreement are prepared, and that in the preparation of the accounting rendered by the said Company for the period ended _____, 19__, there has not been taken into account, to the best of his knowledge and belief, and so far as appears from diligent efforts he has made to ascertain the facts, any item of expense as a deduction from gross income in arriving at the amount of net voyage profits for the purpose of calculating statutory additional charter hire under the provisions of such bareboat charter party agreement in any case where such item of expense represents a payment or expenditure or transfer of anything of value, directly or indirectly, to or on behalf of any person or any organization or association, in a transaction occurring within the United States, its territories or possessions,

(1) To induce unethically any person, organization or association, to take or refrain from taking any action calculated to affect the relations between the Charterer and its employees, or to influence unethically the manner of performance of his or its employment or calling; or

(ii) ostensibly as compensation for, but actually for a consideration other than, personal services rendered as an employee.

The terms "employee" and "employees", as used herein, include in the case of a bareboat charterer, employees of the Charterer and of any interested person or related company as defined in the bareboat charter.

(Signature of Affiant)

Subscribed and sworn to before me, a _____ in and for the State and County above named, this _____ day of _____, 19__.

(Signature of officer authorized to administer oaths)

§ 299.107 *Statement of purposes and reservations.* (a) The purpose of the procedure in this subpart is to establish the means for uniform application to expedite and facilitate the rendition by Charterers to the Administration of annual and final accountings under SHIP-SALESDEMISE 303.

(b) The receipt and consideration of such accountings by the Owner shall be subject to the following reservations:

(1) That all working papers (irrespective of by whom prepared) in support of the various statements comprising such accountings, shall be available for examination by the Owner's auditors upon request and that the Owner's auditors shall be permitted to make copies of such papers to the extent they deem necessary; and

(2) That the Owner reserves the right to conduct such audits, examinations, or checks of the Charterer's accounts as it may deem necessary before approving final settlement of statutory additional charter hire for any period under the bareboat charter agreements; and

(3) That the examples to be supplied by the said Office of the Comptroller of the statements required by the Administration are for illustrative purposes only and are based on hypothetical figures; that no implications should be drawn from the relative magnitude of the figures used in these examples; and that if, in any instance, an example should conflict with the text of this procedure, the latter should govern; and

(4) That, provided whenever the accounting period is less than a full calendar year (that is, either at the commencement or at the termination of a charter period), the Charterer may, at the discretion of the Owner, for the purpose of preparing the income sheet required hereunder, in the calculation of "Net Voyage Profit" pursuant to § 299.104, submit such income sheet on the basis of the Charterer's normal annual accounting period, adjusted, pursuant to sound accounting practices and standards, to reflect the results of less than a full calendar year, all as in the judgment of the Administration produces fair and reasonable results. All requests to employ such adjusted income sheets shall be made in writing direct to the local District Comptroller; and

(5) That, provided whenever "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.103 (b) and (c)) exceeds the "limitation of capital necessarily employed" (determined on the basis prescribed in § 299.103 (d)), such excess shall be regarded as being composed of the various assets and liabilities comprising "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.103 (b) and (c)), in the relation, percentagewise, that such excess bears to "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.103 (b) and (c)), without regard to Clause H of Part I of the Agreement; and, further, as items of income and expense are required by this Order to be allocated on the same basis as are the corresponding assets and liabilities involved, likewise the proportion of such income and expense corresponding percentagewise to the proportion of assets and liabilities included in the excess of "capital necessarily employed" over the "limitation" should be allocated to "Other Operations"; and

(6) That the establishment of the rules and regulations prescribed in this procedure is without prejudice to the right of the Administration to determine upon the employment of other bases for allocation and calculation in any instance where, upon the completion of any annual or final accounting, the results produced by the application of the rules and regulations prescribed herein do not, in the judgment of the Administration, produce fair and reasonable results; and

(7) That if, in any instance, the rules and regulations prescribed in this subpart should conflict with the provisions of an applicable statute or agreement, such provisions shall govern and entitle the Government to its full statutory rights; and

(8) That requests for interpretive rulings concerning the application of this

subpart shall be presented in writing. All such requests shall be made direct to the local District Comptroller with a copy to the Comptroller, Maritime Administration, Washington 25, D. C.; and

(9) That if, in any instance, the rules and regulations prescribed in this subpart should conflict with any other General Order issued by the Administration, the question as to which shall take precedence should be referred to the Administration for decision; and

(10) That nothing contained in this subpart shall be construed as a waiver of any right reserved to the Administration by statute or under SHIPSALESEMISE 303; and

(11) Upon written application of the Charterer to the local District Comptroller (with a copy to the Comptroller, Maritime Administration, Washington 25, D. C.), the Administration may extend for such further period as in its judgment is warranted by the circumstances, in any instance, the time limit prescribed in this subpart for the submission of accountings.

Approved:

CLARENCE G. MORSE,
Maritime Administrator.

AUGUST 8, 1957.

[F. R. Doc. 57-7721; Filed, Sept. 19, 1957;
8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6777]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALLEN WAUGH

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: Comparative; Usual as reduced, special, etc. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.1865 Manufacture or preparation: Fur Products Labeling Act; § 13.1880 Old, used, reclaimed, or reused as unused or new: Fur Products Labeling Act. Subpart—Using misleading name—GOODS: § 13.2280 Composition: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 58 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Allen Waugh trading as Allen Waugh, San Francisco, Calif., Docket 6777, Aug. 28, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco with violating the Fur Products Labeling Act by falsely identifying furs in advertising and labeling with respect to the animals producing them, and failing to conform to labeling and invoicing requirements of the act; by advertising which failed to disclose the names of animals producing certain furs

or that certain products were composed of used or artificially colored fur, and which misrepresented prices as reduced and percentage savings; and by failing to maintain adequate records on which the pricing claims were based.

After receipt of respondent's answer and proposed findings of fact, etc., from complaint counsel, but not from respondent, the hearing examiner made his initial decision including said proposed findings, etc., and order to cease and desist which became on August 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Allen Waugh, an individual doing business as Allen Waugh or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labeling to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Act and the rules and regulations thereunder in abbreviated form or in handwriting;

(b) Information required under section 4 (2) of the Fur Act and the rules and regulations thereunder mingled with non-required information;

4. Affixing labels to fur products which do not comply with the minimum size requirements of 1½ inches by 2¾ inches;

5. Failure to show on labels attached to fur products all of the information required under section 4 (2) of the Fur Act and the rules and regulations thereunder on one side of such labels;

6. Failure to set forth on labels pertaining to fur products an item number or mark assigned to such products;

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Setting forth information required under section 5 (b) (1) of the Fur Act

and the rules and regulations thereunder in abbreviated form;

3. Using the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed of "secondhand used fur", when such is the fact;

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Act;

3. Represents directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which such products were sold in the recent regular course of his business;

(b) The value of fur products when such claims and representations are not true in fact;

4. Makes use of comparative prices or percentage savings claims unless such compared prices or percentage savings are based upon current market values or unless a bona fide price at a designated time is stated;

5. Makes pricing claims and representations of the types referred to in subparagraphs 3 (a) and (b) and 4 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations;

D. In substituting labels affixed to fur products which have been shipped to and received by respondent in commerce, misbranding such products in any of the respects set forth in Paragraph A of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 27, 1957.

By the Commission.

[SEAL]

JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-7737; Filed, Sept. 19, 1957;
8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 212]

FORMULAS FOR DENATURED ALCOHOL

BAY RUM AND ALCOHOLADO

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within a period of 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

O. GORDON DELK,
Acting Commissioner of
Internal Revenue.

In order to permit the use of rubber hydrocarbon solvent as a substitute for gasoline in the manufacture of proprietary solvents, to prevent the diversion of specially denatured alcohol to illegal uses, and to protect the revenue, 26 CFR Part 212 is amended as follows:

PARAGRAPH 1. Section 212.16 (c) is amended to read as follows:

(c) *Standard proprietary solvents formulations using S. D. A. No. 1—(1) Formulation No. I.*

	Gallons
Specially denatured alcohol formula No. 1.....	100
Ethyl acetate.....	5
Gasoline or rubber hydrocarbon solvent.....	1

(2) Formulation No. II.

Specially denatured alcohol formula No. 1.....	100
Denaturing grade wood alcohol.....	2
Ethyl acetate.....	1
Gasoline or rubber hydrocarbon solvent.....	1

(3) Formulation No. III.

Specially denatured alcohol formula No. 1.....	100
Methyl isobutyl ketone.....	1
Ethyl acetate.....	1
Gasoline or rubber hydrocarbon solvent.....	1

(4) Formulation No. IV.

Specially denatured alcohol formula No. 1.....	100
Methyl isobutyl ketone.....	1
tert-butyl alcohol.....	2
Gasoline or rubber hydrocarbon solvent.....	1

(5) Formulation No. V.

Specially denatured alcohol formula No. 1.....	100
Methyl isobutyl ketone.....	1
Secondary butyl alcohol.....	2
Gasoline or rubber hydrocarbon solvent.....	1

PAR. 2. Section 212.30 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 23-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 3. Section 212.47 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 37 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 4. Section 212.48 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All alcoholado or alcoholado type toilet waters manufactured with Formula No. 38-B must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 5. Section 212.52 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 39 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 6. Section 212.53 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All alcoholado or alcoholado type toilet waters manufactured with Formula No. 39-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 7. Section 212.54 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 39-B must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 8. Section 212.55 is amended by adding at the end of paragraph (c) the following sentence: "All alcoholado or alcoholado type toilet waters manufactured with Formula No. 39-C must also contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product."

PAR. 9. Section 212.56 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 39-D must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 10. Section 212.57 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 40 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 11. Section 212.58 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet

waters manufactured with Formula No. 40-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

[F. R. Doc. 57-7728; Filed, Sept. 19, 1957; 8:50 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 16]

BULK MAILING

MAILING AND TREATMENT OF SECOND AND THIRD-CLASS MAIL

On page 4617 of the June 29, 1957, issue of the FEDERAL REGISTER there were published amendments to the regulations in §§ 16.1 and 16.2 of Title 39, Chapter I, of the Code of Federal Regulations which the Department proposed to make effective October 1, 1957. The amendments would have required mailers to separate bulk second and third-class mail to postal delivery zones in addition to other separations presently required.

The written and oral views submitted by mailers have emphasized their understanding of the problem and their determination to wholeheartedly cooperate with the Department in the addressing and separation of mail by zone on a voluntary basis.

After consideration of these views it has been determined that the amendments will not be placed in effect October 1, 1957 as originally published. No mandatory date will be set at this time.

If the voluntary effort of mailers is productive of the savings needed by the Department and predicted by the mailers, then it will be unnecessary to establish a mandatory date of operation.

This notice does not change any zoning requirements in effect on June 29, 1957, such as the compulsory separation to postal delivery zones by publishers of second-class publications qualified as newspapers for preferred treatment in the mails.

(R. S. 161, 396, as amended, secs. 5, 6, 18 Stat. 232, 233, as amended, sec. 2, 33 Stat. 440, as amended, sec. 203, 62 Stat. 1262, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285, 290a-1, 295)

[SEAL]

ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-7773; Filed, Sept. 19, 1957; 9:29 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12054]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, COLUMBUS, GA.

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment to § 3.606 *Table of assignments*, Television Broadcast Stations (Columbus, Georgia).

The Commission has before it for consideration a request filed September 13, 1957 by Martin Theatres of Georgia, Inc., licensee of UHF Television Station WTVN, Columbus, Georgia, for an extension of time from September 17, 1957 to September 24, 1957 for filing Reply Comments in the above-entitled proceeding.

Martin Theatres submits that the comments filed in this proceeding are voluminous and raise complex questions and urges that it has not been possible to analyze the comments filed and to prepare adequate reply comments by the present date. Martin Theatres states that the extension of time requested will make it possible to prepare and file reply comments which will adequately discuss the numerous questions raised. Martin Theatres notes that Columbus Broadcasting Co., Inc., WTVY, Inc., WJDM, Inc., and the Georgia State Department of Education have stated that they consent to a grant of the requested extension.

The Commission believes that Martin Theatres has established good cause for an extension of time for filing reply comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered*, That the above-described request of Martin Theatres of Georgia, Inc. is granted and that the time for filing reply comments in the above-entitled proceeding is extended from September 17, 1957 to September 24, 1957.

Adopted: September 16, 1957.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7730; Filed, Sept. 19, 1957; 8:50 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-79]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action

with the Federal Register Division the Atomic Energy Commission on September 13, 1957, issued license No. XR-13 to American Machine & Foundry Company authorizing the export of a one-megawatt pool-type research reactor to Junta De Energia Nuclear (Atomic Energy Commission) Lisbon, Portugal. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on August 29, 1957, 22 F. R. 6980.

Dated at Washington, D. C., this 13th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7725; Filed, Sept. 19, 1957;
8:49 a. m.]

[Docket 50-60]

BETHESDA NAVAL HOSPITAL

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 28, 1957, the Atomic Energy Commission has issued License R-27 authorizing the United States Naval Hospital, Bethesda, Maryland, to acquire, possess and operate at the location in Bethesda, Maryland, described in the application in Docket 50-60, a 5-watt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN-201M, Serial No. 105. Notice of the proposed action was published in the FEDERAL REGISTER on August 30, 1957, 22 F. R. 7000.

Dated at Washington, D. C. this 13th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7726; Filed, Sept. 19, 1957;
8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

REVOKING AIR NAVIGATIONAL SITE WITHDRAWAL NO. 31; ORDER PROVIDING FOR OPENING OF PUBLIC LAND

SEPTEMBER 12, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5 of the Bureau of Land Management Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

1. Air Navigation Site Withdrawal No. 31, dated July 15, 1929, affecting the lands described below, is hereby revoked.

WILLAMETTE MERIDIAN, OREGON

T. 33 S., R. 6 W.,
Sec. 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

40.00 acres.

2. The lands are in Josephine County, Oregon, in the vicinity of Wolf Creek. They are rough and mountainous varying in elevation from 2,500 to 2,800 feet above sea level. The land supports a stand of Douglas fir and yellow pine timber and is valuable for the production of timber.

3. No application will be allowed under the homestead, desert land, small tract,

or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 USC 279-284 as amended), presented prior to 10:00 a. m., on October 21, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 20, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 20, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on January 20, 1958.

5. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be

found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the above land shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 3861, Portland 8, Oregon.

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 57-7706; Filed, Sept. 19, 1957;
8:45 a. m.]

National Park Service

[Delegation of Authority Order 24]

CHIEF, WESTERN OFFICE AND CHIEF, EASTERN OFFICE, DIVISION OF DESIGN AND CONSTRUCTION

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS

SEPTEMBER 16, 1957.

(a) The Chief, Western Office, Division of Design and Construction, and the Chief, Eastern Office, Division of Design and Construction, are authorized to exercise within the respective areas under their supervision, and subject to the provisions of paragraph (b) of this section, the authority delegated to the Director, National Park Service, for the period ending June 30, 1958, by the Acting Secretary of the Interior on September 6, 1957 (22 F. R. 7346), to negotiate, without advertising, under section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 252 et seq.), contracts for the services of engineering, architectural, and landscape architectural firms required by the National Park Service in its construction programs.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with all provisions of Title II of the act with respect to negotiated contracts, and all other provisions of law.

(Secretary's Order No. 2824; 22 F. R. 7346)

[SEAL]

BEN H. THOMPSON,
Acting Director.

[F. R. Doc. 57-7707; Filed, Sept. 19, 1957;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8982]

GUEST AEROVIAS MEXICO, S. A.

NOTICE OF HEARING

In the matter of the application of Guest Aerovias Mexico, S. A. for a foreign air carrier permit authorizing air transportation between Mexico City, Miami and beyond.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on September 27, 1957, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., September 16, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7738; Filed, Sept. 19, 1957;
8:52 a. m.]

[Docket No. 8456]

CAPITAL GROUP STUDENT FARES

NOTICE OF REASSIGNMENT OF ROOM FOR PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held in Room E-210, Temporary Building No. 5, is reassigned for Room 1417, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., 10:00 a. m., e. d. s. t., before Examiner William J. Madden.

Dated at Washington, D. C., September 16, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7739; Filed, Sept. 19, 1957;
8:52 a. m.]

[Docket No. 8687]

RESORT AIRLINES, INC.; REFINANCING CASE NOTICE OF HEARING

In the matter of aircraft transactions involving Resort Airlines, Inc., a certificated air carrier.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, and 408 of said act, and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on October 8, 1957, at 10:00 a. m., e. d. s. t., in Room 4845, Commerce Building, 14th Street, and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

For further details regarding the issues involved in this proceeding, interested persons are referred to the application of Resort Airlines, Inc., filed on April 15, 1957, as thereafter amended, and to the Report of Prehearing Conference served on July 16, 1957, each of which documents are on file with the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person not a party of record desiring to be heard in this case should file with the Board on or before October 8, 1957, a statement setting forth the matters of fact or law which he wants to present. Any person filing such a statement may appear and participate in the hearing in accordance with § 302.14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., September 17, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7740; Filed, Sept. 19, 1957;
8:52 a. m.]

[Docket No. 8813]

ABC AIR FREIGHT CO., INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled matter now assigned to be held on September 18 is postponed to October 10, 1957, 10:00 a. m., e. d. s. t., Room 1510, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., September 17, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7741; Filed, Sept. 19, 1957;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11094]

OHIO FUEL GAS CO.

NOTICE OF PETITION TO AMEND AND DATE OF HEARING

SEPTEMBER 16, 1957.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio Corporation, having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on July 26, 1957, under section 16 of the Natural Gas Act, a petition to amend the certificate of public convenience and necessity issued to it on July 8, 1957 in the above numbered docket to authorize the construction and operation of an additional 8.6 miles of 20-inch O. D. natural gas transmission pipeline as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the petition to amend, which is on file with the Commission and open for public inspection.

Applicant requests that the Commission amend the description of Project No. 1—Extend Line R-601 as set forth on page 1 of the order issued July 8, 1957 to read: To construct and operate approximately 25.8 miles of 20" O. D. pipe line, being an extension of Applicant's existing Line R-601 southward from its terminus in Jackson County, Ohio, and in so doing, looping a portion of Applicant's existing Line R-501.

Applicant also requests the Commission to modify ordering paragraph (B) to read:

A certificate of public convenience and necessity be and the same hereby is issued authorizing Applicant to construct and operate the facilities hereinbefore described, all as more fully described in the application, and the petition to amend certificate for the transportation and sale of natural gas as therein set forth, subject to the jurisdiction of the Commission, upon the terms and conditions of this order.

The total cost of construction of Project No. 1 extending Line R-601 looping Line R-501 is estimated to be 1,600,000, which will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.19) on or before October 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7708; Filed, Sept. 19, 1957;
8:45 a. m.]

[Docket Nos. G-11190, G-11266]

ALFRED C. GLASSSELL, JR., AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF DATE OF HEARING

SEPTEMBER 16, 1957.

Take notice that these related matters, presented by the application of Alfred C. Glasssell, Jr., filed in Docket No. G-11190 and the application of Texas Gas Transmission Corporation filed in Docket No. G-11266, should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Notice of the said applications has been duly given, including publication in the FEDERAL REGISTER on August 13, 1957 (22 F. R. 6465-6466).

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein

provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7709; Filed, Sept. 19, 1957;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11803; FCC 57M-845]

BOSQUE RADIO

ORDER CONTINUING HEARING CONFERENCE

In re application of George H. Cook, tr/as Bosque Radio, Clifton, Texas; Docket No. 11803, File No. BP-10361; for construction permit.

The Hearing Examiner having under consideration a petition filed on September 11, 1957, by George H. Cook, tr/as Bosque Radio, requesting that the hearing conference in the above-entitled proceeding presently scheduled for September 16, 1957, be continued for sixty days, in order that the consulting radio engineer for applicant may complete work on an engineering amendment which, he believes, will show that the proposed operation meets the requirements of the Commission, particularly § 3.23 (c) of the rules;

It appearing that if such engineering showing is forthcoming, there may be no need for a hearing;

It further appearing that counsel for the Broadcast Bureau (the only other party to this proceeding) has informally agreed to a waiver of the provisions of § 1.745 of the rules;

It is ordered, This 12th day of September 1957, that the petition be and it is hereby granted; and the pre-hearing conference in the above-entitled proceeding be and it is hereby continued to November 15, 1957, at 10 o'clock a. m., in Washington, D. C.

Released: September 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7731; Filed, Sept. 19, 1957;
8:51 a. m.]

[Docket No. 11945; FCC 57-858]

BOROUGH OF LEMOYNE, PA.

ORDER CONTINUING HEARING

In re application of Borough of Lemoyne, Pennsylvania, Lemoyne, Pennsylvania; Docket No. 11945, File No. 9350-PF-P/L-L; for authorization in the fire radio service.

The Hearing Examiner has under consideration a "Motion For Continuance" filed by the Commissioners of Cumberland County, protestant in the above-entitled cause;

It appearing that the hearing is presently scheduled to be held on September 17, 1957, but that there is a possibility of a compromise settlement of the issues; and

It further appearing that agreement to the requested continuance has been expressed by all parties to this proceeding and that good cause has been shown therefor;

It is ordered, This 16th day of September 1957, that the motion for continuance is granted, and that the hearing is continued from September 17, 1957, to October 7, 1957, at 10:00 a. m.

Released: September 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7732; Filed, Sept. 19, 1957;
8:51 a. m.]

[Docket No. 12016; FCC 57M-853]

JAY SADOW

ORDER CONTINUING HEARING

In re application of Jay Sadow, Rossville, Georgia; Docket No. 12016, File No. BP-10827; for construction permit.

The Hearing Examiner having under consideration the Motion For Continuance filed on September 11, 1957, by the applicant in the above-entitled proceeding requesting that the date for the submission of measurements, the date of the informal conference now scheduled for September 25, 1957, and the date of the hearing presently scheduled for October 21, 1957, be postponed for sixty days;

It appearing that the applicant, Jay Sadow, has secured authorization to set

up and use a test transmitter at his proposed site but certain difficulties have been encountered because of the extremely rough terrain and additional time is required to make the test;

It further appearing that good and sufficient reason exists why said Motion for Continuance should be granted; and that counsel for all parties to the proceeding have agreed to this Motion and to a waiver of § 1.745 of the Commission's rules;

Therefore it is ordered, This 13th day of September 1957, that the above Motion for Continuance be, and it is hereby, granted; and the submission of said measurements shall be on November 20, 1957; the informal conference shall be held on November 25, 1957; and the hearing herein is set for December 20, 1957.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7733; Filed, Sept. 19, 1957;
8:51 a. m.]

[Change List 113]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JULY 25, 1957.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations, modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		940 kilocycles				
CJGX	Yorkton, Saskatchewan	10 kw D/1 kw N	ND	U	II	Now in operation.
		1150 kilocycles				
CKSA	Lloydminster, Alberta	1 kw	DA-2	U	III	Do.
		1300 kilocycles				
CJRH	Richmond Hill, Ontario	0.5 kw	ND	D	III	Assignment of call letters.
		1340 kilocycles				
CPSL	Weyburn, Saskatchewan	0.25 kw	ND	U	IV	Do.
		1400 kilocycles				
CKDH	Amherst, Nova Scotia	0.25 kw	ND	U	IV	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7734; Filed, Sept. 19, 1957; 8:51 a. m.]

[Change List 114]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND
CORRECTIONS IN ASSIGNMENTS

AUGUST 28, 1957.

Notification under the provisions of
part III, section 2 of the North American
Regional Broadcasting Agreement.List of changes, proposed changes,
and corrections in assignment of Cana-
dian Broadcast Stations, modifying
appendix containing assignments of
Canadian Broadcast Stations (Mimeo-
graph 47214-3) attached to the recom-
mendations of the North American
Regional Broadcasting Agreement En-
gineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Sched- ule	Class	Expected date of commencement of operation
CFBR	Sudbury, Ontario	550 kilocycles 1 kw	ND	D	III	Assignment of call letters.
CKEK	Cranbrook, British Columbia	670 kilocycles 1 kw	DA-1	U	III	Do.
CKTS	Sherbrooke, Quebec	690 kilocycles 5 kw	DA-1	U	III	EIO 7-15-59 (PO: 1240 kc 250 w ND IV).
CKDM	Dauphin, Manitoba	730 kilocycles 1 kw D/0.25 kw N	ND	U	II	Now in operation.
New	Blind River, Ontario	1 kw	DA-N	U	II	EIO 7-15-59.
CHAB	Moose Jaw, Saskatchewan	800 kilocycles 10 kw D/5 kw N	DA-N	U	II	EIO 7-15-59 (PO: 800 kc 5 kw DA-1 II).
CKVL	Verdun, Quebec	850 kilocycles 60 kw D/10 kw N	DA-2	U	II	EIO 7-15-59 (PO: 850 kc 10 kw DA- 1 II).
CJCH	Halifax, Nova Scotia	980 kilocycles 5 kw	DA-N	U	II	EIO 7-15-59 (PO: 920 kc 5 kw DA-1 II).
CKBB	Barrie, Ontario	990 kilocycles 5 kw	DA-1	U	III	EIO 7-15-59 (PO: 1230 kc 0.25 kw ND IV).
New	Montreal, Quebec	990 kilocycles 5 kw	DA-1	U	III	EIO 7-15-59.
CKDM	Dauphin, Manitoba	1050 kilocycles 1 kw D/0.25 kw N	ND	U	II	Delete assignment.
CFGP	Grand Prairie, Alberta	10 kw	DA-1	U	II	EIO 7-15-59 (PO: 1050 kc 5 kw DA-1 II).
CJIC	Sault Ste. Marie, Ontario	0.25	ND	U	II	EIO 7-15-59 (PO: 1490 kc 0.25 kw ND IV).
CFAM	Altona, Manitoba	1290 kilocycles 1 kw	DA-1	U	II	Now in operation.
CKLO	Kingston, Ontario	1380 kilocycles 5 kw	DA-2	U	III	EIO 7-15-59 (PO: 1380 kc 1 kw DA-N III).
CJMT	Chicoutimi, Quebec	1420 kilocycles 1 kw	DA-1	U	III	EIO 7-15-59 (PO: 1450 kc 0.25 kw ND IV).
New	Welland-Port Colborne, Ontario	1470 kilocycles 0.5 kw	DA	D	III	EIO 7-15-59.

* Change in mode of operation from notification on List #111, dated 4-12-57.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7735; Filed, Sept. 19, 1957; 8:51 a. m.]

[Bahamas List 1]

BAHAMAS BROADCASTING STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND
CORRECTIONS IN ASSIGNMENTSNotification under the provisions of
part III, section 2 of the North American
Regional Broadcasting Agreement.

Call letters	Location	Power kw	Antenna	Sched- ule	Class
ZNS	Nassau	1540 kilocycles 5 kw	ND	U	I-A.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Acting Secretary.[F. R. Doc. 57-7736; Filed, Sept. 19, 1957;
8:51 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-516]

BUILDING WIRE AND CABLE MANUFACTUR-
ING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

In the matter of trade practice con-
ference proceedings for the Building
Wire and Cable Manufacturing Industry.A trade practice conference for the
Building Wire and Cable Manufacturing
Industry (building wire and cable with
a maximum electrical capacity not in ex-
cess of 600 volts) will be held under the
auspices of the Federal Trade Commis-
sion in the Warwick Hotel, 65 West
Fifty-fourth Street, New York City, on
October 11, 1957, commencing at 10 a. m.,
e. d. s. t.The conference will constitute the first
step in proceedings authorized by the
Commission for the establishment of
trade practice rules for the industry.
All persons, firms, corporations and or-
ganizations engaged in the manufacture
and distribution of building wire and
cable having an electrical load-carrying
capacity of not in excess of 600 volts are
cordially invited to attend and partici-
pate in this meeting.The purpose of the conference, author-
ized pursuant to application from indus-
try members, is to afford all members of
this industry an opportunity to consider,
and propose for establishment subject
to the Commission's approval, rules de-
signed to eliminate and prevent unfair
methods of competition, unfair or de-
ceptive acts or practices, and other trade
abuses violative of laws administered by
the Commission. Any industry member
may submit suggested trade practice
rules for consideration at the conference
and take part in the consideration and

discussion of proposals or suggestions for rules presented by others.

After the conference on October 11th, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: September 17, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7720; Filed, Sept. 19, 1957;
8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-6]

BRANCH MANAGER, NEW ORLEANS,
LOUISIANA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, New Orleans Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

- a. Direct business loans in an amount not exceeding \$10,000 and
- b. Participation loans in an amount not exceeding \$50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of \$25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

- 5. To administer oaths of office.
- 6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, New Orleans, Louisiana, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 57-7714; Filed, Sept. 19, 1957;
8:46 a. m.]

[Delegation of Authority 30-X-7]

BRANCH MANAGER, OKLAHOMA CITY,
OKLAHOMA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Oklahoma City Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

- a. Direct Business loans in an amount not exceeding \$10,000 and
- b. Participation loans in an amount not exceeding \$50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of \$25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Oklahoma City, Oklahoma, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 57-7715; Filed, Sept. 19, 1957;
8:47 a. m.]

[Delegation of Authority 30-X-8]

BRANCH MANAGER, SAN ANTONIO, TEXAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, San Antonio Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline limited Loan Participation Loans.

2. To approve or decline disaster loans not in excess of \$20,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

- 4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, San Antonio, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 57-7716; Filed, Sept. 19, 1957;
8:47 a. m.]

[Delegation of Authority 30-X-5]

BRANCH MANAGER, HOUSTON, TEXAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Houston Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding \$10,000 and

b. Participation loans in an amount not exceeding \$50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of \$25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as de-

termining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Houston, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective Date: September 9, 1957.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 57-7717; Filed, Sept. 19, 1957;
8:47 a. m.]

[Delegation of Authority 30-X-8]

BRANCH MANAGER, LITTLE ROCK, ARKANSAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Little Rock Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding \$10,000 and

b. Participation loans in an amount not exceeding \$50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of \$25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600,

Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Little Rock, Arkansas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 57-7718; Filed, Sept. 19, 1957;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-3995]

M. J. SHUCK CO.

ORDER REVOKING BROKER-DEALER REGISTRATION AND NOT PERMITTING WITHDRAWAL TO BECOME EFFECTIVE

SEPTEMBER 13, 1957.

In the matter of Milton J. Shuck doing business as M. J. Shuck Company, 39 Broadway, New York, New York; File No. 8-3995.

Proceedings having been instituted to determine whether pursuant to section 15 (b) of the Securities Exchange Act of 1934 the registration as a broker and dealer of Milton J. Shuck, doing business as M. J. Shuck Company, should be revoked;

A hearing having been held after appropriate notice, proposed findings and conclusions having been submitted, the hearing officer having filed a recommended decision, exceptions thereto and briefs having been filed, and oral argument having been heard;

Registrant having previously filed a notice of withdrawal of registration which has not become effective;

The Commission having this day issued its findings and opinion herein; on the basis of said findings and opinion

It is ordered, That the registration as a broker and dealer of Milton J. Shuck, doing business as M. J. Shuck Company, be, and it hereby is, revoked, and that his notice of withdrawal from registration be, and it hereby is, not permitted to become effective.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 57-7713; Filed, Sept. 19, 1957;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF
SARITA TIMMER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservation expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: (Cash in the Treasury of the United States as noted below:)

Sarita Timmer, L. S. Claim No. 833, \$1,540.00.

David Sluizer, L. S. Claim No. 903, \$1,380.00.

Maurits Sjouwerman, L. S. Claim No. 907, \$1,220.00.

Clara and Henri de Vries and Mrs. Henny van Messel, L. S. Claim No. 908, \$1,220.00.

Henriette Bierbauer, Bertha Simons, Erika and Max Vlesing, Herman and Betty Victor, Sara Langstadt, and Renee Speyer, L. S. Claim No. 906, all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Cities Service Company 5/69, Debentures Nos. 26464 and 47089, in the principal amount of \$1,000 each.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., September 13, 1957.

For the Attorney General.

[SEAL]

DALLAS S. TOWNSEND,
Assistant Attorney General, Director,
Office of Alien Property.

[F. R. Doc. 57-7723; Filed, Sept. 19, 1957;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Amdt. 3 to Taylor's I. C. C. Order 81]

NEW YORK, ONTARIO AND WESTERN RAILWAY

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 81 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 81 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 12, 1957.

INTERSTATE COMMERCE COMMISSION,

CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-7711; Filed, Sept. 19, 1957;
8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF SEPTEMBER 17, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34165: *Fertilizer and anhydrous ammonia—Canadian points to Montana*. Filed jointly by the Canadian Pacific Railway Company (1), and the Canadian National Railways (1), Agents, for themselves and other interested carriers. Rates on fertilizer, dry, in packages, carloads, and anhydrous ammonia, tank-car loads, from Calgary, Fort Saskatchewan, and Medicine Hat, Alta., Kimberley and Warfield, B. C., Canada, on fertilizer, and from Calgary, Fort Saskatchewan and Medicine Hat on anhydrous ammonia, to specified points in Montana.

Grounds for relief: Short-line distance formulae and market competition.

Tariffs: Supplement 14 to Canadian Pac. Ry. Co. ICC W. 1048. Supplement 7 to Canadian Nat. Rys. ICC W. 681.

FSA No. 34166: *Rubber from Odessa, Tex., to Colorado and Oklahoma points*. Filed by F. C. Kratzmeir, Agent (SWFB B-7117), for interested rail carriers. Rates on rubber, artificial, synthetic, or neoprene, crude, loose, or in packages, straight or mixed carloads, from Odessa, Tex., to Denver, Derby, Ladora, Littleton, and Roydale, Colorado, and Miami, Okla. Grounds for relief: Short-line distance formula.

Tariffs: Supplement 131 to Agent Kratzmeir's ICC 4025 and one other tariff.

FSA No. 34167: *Fly ash between points in Southwestern and official territories*. Filed by F. C. Kratzmeir, Agent (SWFB B-7114), for interested rail carriers. Rates on fly ash, in covered hopper cars, carloads, between points in southwestern territory, on the one hand, and points in official territory, on the other.

Grounds for relief: short-line distance formula.

Tariff: Supplement 4 to Agent Kratzmeir's ICC 4258.

FSA No. 34168: *Lumber and related articles from Arkansas and Oklahoma points*. Filed by F. C. Kratzmeir, Agent (SWFB B-7081), for interested rail carriers. Rates on lumber and related articles, carloads, from specified points in Arkansas on the De Queen and Eastern Railroad, Perkins to West Line, inclusive, and in Oklahoma on the Texas, Oklahoma & Eastern Railroad Company, Eagletown to Valliant, inclusive, to destinations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and in Canada.

Grounds for relief: Maintenance of rates from lower-rated junction points on the above-named short lines through higher-rated intermediate local stations on such lines from which rates are made higher than from junction points.

Tariff: Original of Agent Kratzmeir's ICC 4262.

FSA No. 34169: *Cottonseed products—Bishopville, S. C., to Albemarle, N. C.* Filed by O. W. South, Jr., Agent (SFA A3530), for interested rail carriers. Rates on cottonseed oil cake or oil cake meal, and related products, straight or mixed carloads, from Bishopville, S. C., to Albemarle, N. C.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 37 to Agent F. C. Kratzmeir's ICC 1551.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F. R. Doc. 57-7710; Filed, Sept. 19, 1957;
8:46 a. m.]



